



City of Parma Heights
Council Meeting
6281 Pearl Road
Monday, June 26, 2023
7 :00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

ACTION ON MINUTES:

- **JUNE 12, 2023 – PARMA HEIGHTS CITY COUNCIL MEETING**

REPORTS FROM MAYOR AND DIRECTORS

COMMUNICATIONS:

- **KARPATY DELI LLC DBA UKRAINIAN VILLAGE FOOD & DELI, 6492 – 6500 YORK ROAD, PARMA HTS, OH 44130**

PUBLIC SESSION

LEGISLATION

Third Reading

1. ORDINANCE NO. 2023 – 32

AN ORDINANCE AMENDING CHAPTER 1301 OF THE PARMA HEIGHTS CODIFIED ORDINANCES TO PROVIDE FOR ADOPTION OF THE RESIDENTIAL CODE OF OHIO, AS MAY BE AMENDED BY THE STATE OF OHIO FROM TIME TO TIME

Second Reading

2. ORDINANCE NO. 2023 – 33

AN ORDINANCE AMENDING SECTION 351.13 ENTITLED “PARKING OF COMMERCIAL VEHICLES” OF THE PARMA HEIGHTS CODIFIED ORDINANCES, AS AMENDED

3. RESOLUTION NO. 2023 – 34

A RESOLUTION AUTHORIZING THE ADMINISTRATION TO DISPOSE OF OBSOLETE CITY VEHICLES AND EQUIPMENT AT A PUBLIC SALE THROUGH GOVPLANET/IRONPLANET

First Reading

4. RESOLUTION NO. 2023 – 36

A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION BY THE CITY OF PARMA HEIGHTS FOR A DEMOLITION PROJECT TO BE CONSIDERED BY THE CUYAHOGA COUNTY LAND BANK, UNDER THE OHIO DEPARTMENT OF DEVELOPMENT'S (ODOD) BUILDING DEMOLITION AND SITE REUTILIZATION PROGRAM, AND IF AWARDED, FURTHER AUTHORIZING THE EXPENDITURE OF MATCHING FUNDS IN THE AMOUNT OF TWENTY-FIVE PERCENT (25%) AND EXECUTION OF ANY SUBRECIPIENT AGREEMENTS WITH ODOD'S BUILDING DEMOLITION AND SITE REUTILIZATION PROGRAM, AND DECLARING AN EMERGENCY

5. RESOLUTION NO. 2023 – 37

A RESOLUTION AUTHORIZING THE ADMINISTRATION TO ENTER INTO A COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) AND THE CITY OF PARMA HEIGHTS, AND DECLARING AN EMERGENCY

6. ORDINANCE NO. 2023 – 38

AN ORDINANCE AMENDING CHAPTER 1303 OF THE PARMA HEIGHTS CODIFIED ORDINANCES TO PROVIDE FOR ADOPTION OF THE OHIO BUILDING CODE, AS MAY BE AMENDED BY THE STATE OF OHIO FROM TIME TO TIME, AND DECLARING AN EMERGENCY

7. RESOLUTION NO. 2023 – 39

A RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF PARMA HEIGHTS FOR THE FISCAL YEAR OF 2024, DIRECTING THAT THE SAME BE SUBMITTED TO THE FISCAL OFFICE OF CUYAHOGA COUNTY, AND DECLARING AN EMERGENCY

8. ORDINANCE NO. 2023 – 40

AN ORDINANCE AUTHORIZING THE ADMINISTRATION TO SUBMIT A GRANT APPLICATION AND, IF AWARDED, TO ENTER INTO A CONTRACT FOR FUNDING OF COMMUNITY SOCIAL SERVICES FOR SENIORS SIXTY (60) YEARS AND OLDER FROM THE CUYAHOGA COUNTY DEPARTMENT OF SENIOR AND ADULT SERVICES (DSAS), AND DECLARING AN EMERGENCY

ADJOURNMENT

**NOTICE TO LEGISLATIVE
AUTHORITY**

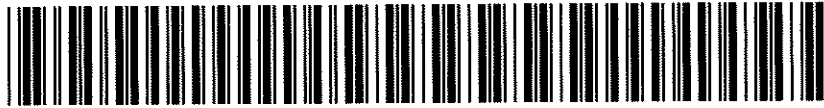
OHIO DIVISION OF LIQUOR CONTROL
6806 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

4498910		TRFO	KARPATY DELI LLC	
PERMIT NUMBER		TYPE	DBA UKRAINIAN VILLAGE FOOD &	
10	01	2022	DELI	
ISSUE DATE		6492-6500 YORK RD		
05	26	2023	PARMA HTS OH 44130	
FILING DATE				
C1	C2	D6		
PERMIT CLASSES				
18	473	C	F29692	
TAX DISTRICT			RECEIPT NO.	

FROM 06/14/2023

9555445			WESTERN PROVISIONS LLC	
PERMIT NUMBER		TYPE	DBA UKRAINIAN VILLAGE FOOD &	
10	01	2022	DELI	
ISSUE DATE		6492-6500 YORK RD		
05	26	2023	PARMA HTS OH 44130	
FILING DATE				
C1	C2	D6		
PERMIT CLASSES				
18	473			
TAX DISTRICT			RECEIPT NO.	



MAILED 06/14/2023

RESPONSES MUST BE POSTMARKED NO LATER THAN. 07/17/2023

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING. **C TRFO 4498910**
REFER TO THIS NUMBER IN ALL INQUIRIES _____

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF PARMA HGTS CITY COUNCIL
6281 PEARL RD
PARMA HEIGHTS OHIO 44130



City of Parma Heights, Ohio
Parma Heights Police Department
Office of Chief Steve Scharschmidt



440-884-1234

6184 Pearl Road, Parma Heights Oh 44130

440-884-1609 FAX

June 22, 2023

Mr. Tom Rounds
Council President
City of Parma Heights
6281 Pearl Road
Parma Heights, Ohio 44130

RE: Liquor Permit, From #9555445 To #4498910

Dear Councilman Rounds,

An investigation and records check of the listed stockholder provided by the Ohio Department of Commerce, Division of Liquor Control in regards to a transfer of an existing license, Western Provisions LLC. DBA Ukrainian Village Food & Deli 6492-6500 York Road, Parma Heights, Ohio to Karpaty Deli LLC. DBA Ukrainian Village Food & Deli 6492-6500 York Road, Parma Heights, Ohio, has been completed. The Parma Heights Police Department is offering no objections to this application. The name(s) associated with this permit are Nataliia Kantemyr. The address is 6492-6500 York Road, Parma Heights, Ohio 44130.

Sincerely,

Steve Scharschmidt
Chief of Police

ORDINANCE NO. 2023 - 32

**AN ORDINANCE AMENDING CHAPTER 1301 OF THE PARMA HEIGHTS
CODIFIED ORDINANCES TO PROVIDE FOR ADOPTION OF THE RESIDENTIAL
CODE OF OHIO, AS MAY BE AMENDED BY THE STATE OF OHIO
FROM TIME TO TIME**

WHEREAS, the Director of Public Service and Chief Building Official recommend that Chapter 1301 of the City of Parma Heights Codified Ordinances be updated and amended, in part, to refer to, adopt, and incorporate the Residential Code of Ohio, as may be amended by the State of Ohio, Board of Building Standards, from time to time; and

WHEREAS, Ohio Revised Code Section 731.231 grants the City full authority to adopt, enforce, and incorporate by reference the Residential Code of Ohio.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga, and State of Ohio:

Section 1: That Chapter 1301 of the Codified Ordinances shall be amended and, as amended, shall henceforth read as shown by edits set forth in Exhibit "A", which is attached hereto and incorporated by reference.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meeting open to the public, in compliance with the law.

Section 3: That this Ordinance shall take effect and be in force from and after the earliest date provided for by law.

PASSED: _____
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL APPROVED

FILED WITH
THE MAYOR: _____
MAYOR MARIE GALLO

EXHIBIT A

CHAPTER 1301 **Ohio Residential Code of Ohio**

EDITOR'S NOTE: Chapter 1301, formerly titled "Regional Dwelling House Code" was repealed, re-enacted and re-titled "Ohio Residential Code" by Ordinance 2002-37, passed October 15, 2002.

1301.01 ~~1999 edition~~ Residential Code of Ohio adopted.

1301.02 File copies.

1301.03 Amendments and additions.

1301.99 Penalty.

CROSS REFERENCES

Adoption of technical codes - see Ohio R.C. 731.231

Ohio Building Code - see Ohio R.C. 3781.10, BLDG. [Ch. 1303](#)

Planning Commission - see P. & Z. [1101.01](#) et seq.

Board of Zoning Appeals - see P. & Z. [1139.01](#) et seq.

Building Inspector - see BLDG. [1323.01](#) et seq.

Smoke detectors - see FIRE PREV. [1505.02](#)(BOCA F-510.0)

1301.01 1999 EDITION RESIDENTIAL CODE OF OHIO ADOPTED.

Pursuant to Ohio R.C. 731.231, the City adopts, enforces, and incorporates herein by reference there is hereby adopted, for the purpose of establishing rules and regulating the fabrication, erection, construction, enlargement, alteration, repair, location and use of detached one-, two- and three-family dwellings, their appurtenances and accessory structures, that certain Code known as the Residential Code of Ohio, 1999 Ohio Residential Code, copyright 2000, by International Code Council, Inc., as adopted and certified by the Ohio Board of Building Standards, pursuant to Revised Code 3781.10, as may be amended by said Board from time to time, and which is codified as Ohio Administrative Code 4101:8, save and except such portions as are hereinafter modified or deleted.

(Ord. 2002-37. Passed 10-15-02.)

1301.02 FILE COPIES.

A complete copy of the ~~Ohio~~ Residential Code of Ohio, as adopted in Section [1301.01](#) , is on file with the Clerk of Council for inspection by the public. One

copy shall also be on file in the Cuyahoga County Law Library. The Clerk of Council has copies available for distribution to the public at cost.

1301.03 AMENDMENTS AND ADDITIONS.

The Ohio Residential Code of Ohio adopted in Section 1301.01 is hereby amended as follows:

Section 104.1 GENERAL. (Amended)

~~—The building inspector is hereby authorized and directed to administer and enforce all of the provisions of this code.~~

~~—Section 104.2 REFERENCED STANDARDS. (Amended)~~

~~—The most current edition of each listed standard at the time of application for a permit shall be deemed the governing standard, not necessarily the standards listed in this chapter.~~

~~—For additional standards for materials or systems not included in this Code, refer to the Appendices of the Ohio Basic Building Code, current edition.~~

a) Section 107.5.3 POSTING BUILDING SITE. (Added)

Post permit (given by the Building Department) immediately.

Application

1. Fill out permit application completely.
2. Three (3) complete sets of building plans.
3. Three (3) sets of plot plans.

Section 109.3 PROSECUTION AND PENALTIES. (Amended)

~~When an owner fails to comply with Section 109.2, the owner may be prosecuted and is subject to a fine of not more than five hundred dollars as provided for in Section 3791.04 of the Revised Code criminal penalties shall be imposed pursuant to Section 1301.99 herein.~~

Section 110.1 HEARING AND RIGHT OF APPEAL, PARMA HEIGHTS LOCAL BOARD OF ZONING BUILDING APPEALS. (Amended)

In order to hear and decide appeals of orders, decisions, or determinations made by the residential building official relative to the application of this code, there shall be a local appeals process established within the certified jurisdiction. Adjudication hearings shall be in accordance with sections 119.09 to 119.13 of the Revised Code, as required by section 3781.031 of the Revised Code.

Section 112.3 PLANS. (Added)

~~—With your Building Permit you will receive two (2) sets of your submitted plans and two (2) plot plans stamped and signed "approved". Any desired change afterward is, either plans or plot plan, must be resubmitted and approved by the Building Commissioner before proceeding with any of the work.~~

~~Section 113.1.4(a) OTHER INSPECTIONS. (Added)~~

~~—Following inspections are required:~~

- ~~—1. Footer inspection before pouring concrete.~~
- ~~—2. Foundation and drains before back-filling.~~
- ~~—3. All framing (rough).~~
- ~~—4. All electrical (rough).~~
- ~~—5. Final finish framing.~~
- ~~—6. Final electrical inspection.~~

~~Section 113.1.6 PERIODIC INSPECTION. (Added)~~

~~—A permit shall be required for the occupancy of any new residential dwelling or commercial building. This permit shall be issued only if the residential dwelling or commercial building conforms to the Building Code. In case of hardship, a permit for occupancy of any new residential dwelling may be issued by the Building Inspector if arrangements for compliance to the Building Code have been made to his satisfaction. A one thousand dollar (\$1,000.00) cash deposit shall be made with the Director of Finance in the event a permit for occupancy for a residential dwelling is granted because of hardship. This deposit shall be required to guarantee compliance with the Building Code. In the event such compliance shall not have been made to the satisfaction of the Building Inspector, it shall be forfeited. The forfeiture of the deposit shall not in any manner affect the right of any court to further penalize the individual making the deposit in conformity with the penalty section of the Building Code.~~

~~Section 118 STOP WORK ORDERS. (Amended)~~

~~—Upon notice in the form hereafter prescribed from the Building Official or his duly appointed assistant that work on any building or structure is being done contrary to the provisions of the Residential Code or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing, shall provide for a signature by the Building Official or his duly appointed assistant who has discovered the violation and shall state the reason for stopping the work. It shall be a sufficient statement of the reason to cite the section of the Residential Code which has been violated.~~

~~—The notice shall be delivered to the owner of the property or to his agent or to the person in charge of the work at the site. In lieu of such delivery, a copy of the notice shall be posted on the front door of the building or structure containing the violation. Within one working day after such posting, a copy thereof shall be mailed to the address~~

~~of the application for the building permit as it appears on such application. If the building or structure has no front door or has not yet reached a point of construction so the position of the front door is identifiable, it shall be sufficient to post such notice on any part of the front of the building.~~

~~—The notice shall recite that no further work of any kind shall be done on the premises containing the building or structure. Any person who does any work whatsoever either on the building or structure or on the premises containing the building or structure, while such notice is in effect, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by ordinance. Work may be resumed only when the violation has been corrected and the Building Official or his duly appointed assistant has been notified, a reinspection has been performed and the corrective work approved as in compliance with the Residential House Code.~~

~~—No person shall remove, mutilate or destroy a stop work notice without the authority of the Building Official.~~

Section 202 GENERAL BUILDING DEFINITIONS. (Amended)

~~—MANUFACTURED HOME. A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 960 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and include the plumbing, heating, air conditioning and electrical system contained therein. For the purposes of these provisions, a mobile home shall not be considered a manufactured home. Mobile homes are prohibited as principal or accessory structures for residential use.~~

b) Section 304 304.4 MINIMUM ROOM AREAS. (Added)

Minimum area requirements. In addition to the minimum room area standards imposed by Section 304 of the Residential Code of Ohio, as incorporated herein, each dwelling unit shall contain a bathroom and an area for each of the following uses: living, cooking, dining and sleeping and, in addition, a cellar, a basement or a utility room. The utility room shall have a minimum floor area of ninety square feet. Each basementless dwelling shall have, in addition to the utility room and minimum required garage area, a storage space of not less than 320 cubic feet with a minimum ceiling height to eight feet.

Minimum Areas or Dimensions

<u>Space use</u>	<u>Area</u>	<u>Minimum Dimension</u>
Living	240 sq. ft.	12 feet, 8 inches
Dining	120 sq. ft.	10 feet
1st sleeping area	160 sq. ft.	12 feet, 4 inches
2nd sleeping area	120 sq. ft.	11 feet, 4 inches

3rd sleeping area	100 sq. ft.	9 feet, 4 inches
4th or more additional sleeping areas	90 sq. ft.	9 feet
Cooking (kitchen)	130 sq. ft.	9 feet
Living-dining combination	360 sq. ft.	
Dining-cooking combination	170 sq. ft.	11 feet, 4 inches

**Additional areas shall be provided for the necessary hallways or other interconnecting spaces, closets and that area occupied by partitions. Two adjoining areas shall be considered a combination space use if the area of the wall between the two areas is less than twenty-five percent of the open space between such areas.

~~Bathroom.~~

~~—Each dwelling unit shall contain a least a water closet, lavatory and tub or stall shower in a room or rooms in which the fixtures shall be arranged so as to provide at least a ninety-degree door swing. Each dwelling having four or more sleeping areas shall have an additional bathroom which shall contain a water closet and lavatory.~~

~~Section 305.1 MINIMUM HEIGHT. (Amended)~~

~~—Habitable rooms, hallways, corridors, bathrooms, toilet rooms, laundry rooms and basements shall have ceiling height of not less than 8 feet. The required height shall be measured from the finished floor to the lowest projection from the ceiling.~~

~~—Exceptions:~~

~~—1. Beams and girders spaced not less than 4 feet (1219 mm) on center shall be permitted to project not more than 6 inches (152 mm) below the required ceiling height.~~

~~—2. Ceiling heights in basements without habitable spaces shall not be less than 6 feet 8 inches (2032 mm) clear except for under beams, girders, ducts or other obstructions where the clear height shall be 6 feet 4 inches (1930 mm).~~

~~—3. Not more than 50 percent of the required floor area of a room or space shall be permitted to have a sloped ceiling less than 7 feet (2134 mm) in height with no portion of the required floor area less than 5 feet (1524 mm) in height.~~

~~—Section 306.2 KITCHEN. (Amended)~~

~~—Each dwelling unit shall be provided with a kitchen area and every kitchen area shall be provided with a sink of approved nonabsorbent material. No single residence or home shall be constructed hereafter unless the structure is equipped with an appropriate digester-type garbage disposal unit.~~

c) Section 309 309.6 GARAGES. (Added)

Garages attached and detached

A private garage is a building or space used as an accessory to a main building permitted in a residence district and providing for the storage of motor vehicles and in which no occupation, business or services for profit connected in any way with motor vehicles is carried on. Floor Area - The floor area of private garages required for each one and two-family and townhouse dwelling unit shall be in accordance with the following schedule:

<u>Dwelling Types</u>	<u>Minimum</u>	<u>Maximum</u>
One-family dwelling	441 sq. ft.	750 sq. ft.
Two-family dwelling	441 sq. ft.	750 sq. ft.
Three-family dwelling	441 sq. ft.	750 sq. ft.

The area for garages shall be measured from the exterior face of the enclosing walls at ground floor level.

Detached garages - wood frame construction

1. For garages larger than 600 square feet, the bottom of footings of frame garages shall be not less than 42 ~~36~~ inches below finished grade, unless supported on a reinforced concrete slab as provided in the following paragraph.

2. For garages smaller than 600 square feet, the frame garages may be built on a concrete slab, not less than 4 inches thick, reinforced with steel mesh weighing not less than 40 pounds per 100 sq. feet or equivalent reinforcement turned up into a 6-inch width curb, 8 inches high above finished grade to form a wall foundation, with concrete footer below grade of at least 12 inches (known as a thickened haunch). Anchor bolts at all corners with maximum spacing 4 ft. o.c.

3. Studs and rafters shall have a spacing of not more than 16 inches o.c.
4. Rafter ties at eaves may be 2 x 6's with a maximum spacing 4 ft. o.c.
5. Corner bracing must be applied on the outside surface of studs.
6. All garages are to be gable or hip type roofs (no shed type).
7. Garage door header has to be 3-2 x 12 or 2-2 x 12's with a steel fitch plate.
8. Garage downspouts and gutters.

All accessory buildings, including garages, must be provided with proper downspouts and gutters for conducting the water from the roof of such building to a public storm sewer or unobstructed watercourse. Provisions for so conducting storm and rain waters shall be shown on the plans and specifications as submitted in the request for a building permit. In no case shall a downspout or gutter be constructed or maintained in such condition as to discharge water onto the property of another or onto

public sidewalks or public streets, or be so constructed or maintained as to cause rain or storm water to flow over the property of another or over sidewalks or streets, whether public or private. Notwithstanding the foregoing, storm water may be discharged over land in accordance with a plan of discharge, approved by the Building Inspector.

9. Doors. Every detached garage of either masonry or wood frame construction shall be provided with an egress door. The minimum size shall be two feet, six inches wide, six feet, eight inches high and one and three-eighths inches thick at the stiles. The door shall swing out of the detached garage and shall be provided with a lock which is always openable from the inside, without the use of a key. All hardware shall be of noncorrosive metal.

10. Attached garages shall be ventilated by a mechanical ventilating system. Minimum 190 CFM.

Section 311.1 EXIT REQUIRED. (Amended)

~~—A required means of ingress and egress from a living unit shall not be through any part of another living unit or through an attached garage. At least one window or other exterior opening in each habitable room shall be so arranged as to permit its use as a means of escape in an emergency. The second floor of a two family flat shall have two stairways to ground floor exits at least twenty feet apart as measured around the periphery of the house, or in the alternative, the second story of a two-family flat shall have one stairway to the ground floor exits and shall have an exterior door of a minimum size of two feet and four inches by six feet and eight inches which shall open onto a porch being at least eight feet by ten feet which porch must be at least thirty feet apart from the stairway exit as measured around the periphery of the house.~~

Section 311.3 TYPE AND SIZE. (Amended)

~~—At least one exterior door opening shall be not less than six feet, eight inches high and three feet wide. Other door openings may be not less than six feet, six inches high and two feet, six inches wide, except that doors to bathrooms, toilet compartments and lavatories may have a width of not less than two feet, four inches. Closet doors may have a width of not less than two feet.~~

~~—Wood exterior doors shall be not less than one and three fourth inches thick. Wood interior doors shall be not less than one and three eighths inches thick, unless otherwise approved.~~

~~Section 311.3(6) SWINGING DOORS. (Added)~~

~~—Whenever there is a swinging door on the exterior wall of a residential dwelling house, there shall be an exterior platform or porch not less than three feet by four feet in size with steps to the finish grade of normal tread and riser, the platform and steps to be constructed in accordance with the Dwelling House Code. The platform shall be no more than one riser below the floor level of the dwelling.~~

~~Section 311.3(b) SLIDING DOORS. (Added)~~

~~—Whenever there is a sliding door in the exterior wall of a residential dwelling house, an exterior platform or porch shall be constructed. The platform or porch shall be not less than four feet projecting out from the building, nor less than the opening, plus six inches on each side, in width, with steps to the finish grade of normal tread and riser. The platform and steps shall be constructed in accordance with the Dwelling House Code. The platform shall be no more than one riser below the floor level of the dwelling.~~

~~—Section 320.3.3 DRYWALL CONSTRUCTION. (Added)~~

~~—Wherever drywall construction is specified in this code it shall mean the use of 5/8 inch gypsum board.~~

~~—Section 401.2(a) FOUNDATIONS FOR DWELLING HOUSES. (Added)~~

~~—Brick, hollow, vitrified tile, cement blocks, concrete or a combination of these may be used in the foundation of dwellings. However, where cement blocks or concrete are used, no more than six inches of such materials shall be exposed to view from the grade line up. Minimum requirements of square feet for foundations (all measurements are to be outside the foundation) shall be as follows:~~

~~—(a) Two-story single-family dwellings – 896 square feet;~~

~~—(b) One and one-half story single-family dwellings – 1,008 square feet;~~

~~—(c) One-story single-family dwellings – 1,230 square feet;~~

~~—(d) The foundation and the building of a split-level single-family dwelling shall be constructed in a manner so that there is at least 1,500 square feet of combined living area, exclusive of loft storage area, basement, open porches and garage;~~

~~—(e) Where any dwelling is constructed without a basement, 180 square feet shall be added to the requirements of subsections (a), (b) and (c) hereof; and~~

~~—An attached garage, whether it be single or double, shall have no effect on the foregoing minimum requirements for single-family dwellings except where such dwellings are one-story and basementless; square footage of attached garage area over and above 240 square feet may be considered up to a maximum of 100 square feet in determining whether or not such dwellings meet the foregoing minimum requirements of subsection (e) hereof.~~

d) Section 401.3(a) 401.3.1 DRAINAGE DURING CONSTRUCTION. (Added)

The flow or disposal of storm water into a sanitary sewer shall not be permitted at any time, including, without limitation, during any phase of construction operations.

e) Section 401.3(b) 401.3.2 STORM DRAINAGE. (Added)

(1) (a) Collected and drained to storm sewer. Roofs and paved areas, yards, courts and open shafts, and every open excavation or part of a lot or premises where water accumulates, shall be drained into a storm sewer, except as otherwise provided in this

section. The provisions of this section shall not be interpreted to prohibit the construction or maintenance of a pool or fountain which is provided with drainage approved by the Director of Public Service, and in which the water is not permitted to become stagnant, contaminated or polluted.

(2) ~~(b)~~ Drained to other than storm sewer. Where, in the opinion of the Director of Public Service, no sewer is available, or to mitigate the introduction of substantial amounts of storm water into the city storm sewer system, the storm drainage, from sources described in subsection (1) ~~(a)~~ hereof shall be piped to discharge into the street gutter, splash block or into a receptacle or conducted to another point of disposal, as approved by the Director of Public Service. As an alternative, one or more downspouts may be connected to an approved rain barrel or rain garden as follows:

(2.1) ~~(4)~~ Drained to a rain barrel. Notwithstanding any other provision of this chapter or these Codified Ordinances, one or more downspouts may be diverted into an approved rain barrel or other structural storage container, provided that the overflow from such appurtenances is directed into the public storm sewer system. Rain barrels or other structural system storage containers shall be covered at all times and incorporate a drainage that directs any overflow away from the building foundation and into the public storm sewer system. The installation of rain barrels or other structural storage containers shall be subject to review and approval of the Director of Public Service or City Engineer or their duly authorized representative, and shall conform to the standards published by the Cuyahoga Soil and Water Conservation District, and as amended.

(2.2) ~~(2)~~ No rain barrel(s) shall be installed until a permit has been obtained.

(2.3) ~~(3)~~ Rain barrels must be free of any chemicals from prior use. Fifty-five-gallon drum industrial containers are prohibited.

(2.4) ~~(4)~~ Rain barrels shall be located behind the front setback of a structure. Visual screening of rain barrels or other structural storage containers may be required, on a case-by-case basis, so as to prevent unsightly visual impacts to the surrounding area.

(2.5) ~~(5)~~ Rain Garden. One or more downspouts may be directed into an approved rain garden. Such rain garden shall be subject to the review and approval of the City Engineer, or his/her duly authorized representative, and shall be constructed in accordance with the latest edition of the Rain Garden Manual for Homeowners. No rain garden shall be constructed or installed until a permit has been obtained.

(2.6) ~~(6)~~ Subject to the review and approval of the Director of Public Service residential structure gutters and downspouts may be disconnected from the city storm sewer system which shall be directed away from the resident's foundation and their neighbor's foundation and property as set forth in Section 401.3(e)(1).

(2.7) ~~(7)~~ As a precondition to allowing the use of a splash block the land owner shall agree in writing, to indemnify, defend and hold harmless the City, its officers and employees from any claim, injury, loss or damage to the land owner, his or her property

or the person or property of any other individual that may directly or indirectly, result from the discharge of storm water over land.

(2.8) ~~(8)~~ Fees. The fee for a permit to connect downspouts to an approved rain barrel or rain garden shall be in accordance with the then existing schedule of fees contained in Chapter 1321.

(3) ~~(e)~~ Discharge to sanitary sewer. Notwithstanding any other provision of this chapter or these Codified Ordinances, if it is determined that one or more installed conductors, roof leaders or surface or ground water drains discharge or infiltrate into a sanitary sewer, the Director of Public Service may grant a special permit allowing the land owner to disconnect the offending private storm sewer facilities from the public sewerage system, but only pursuant to the terms and conditions in this section.

(4) ~~(d)~~ Review by Municipal Engineer. Upon discovery of a situation described in subsection (c) hereof, the Director of Public Service shall refer the matter to the Municipal Engineer for his or her review and recommendation.

(5) ~~(e)~~ Granting of permit. The Director of Public Service shall grant the special permit described in subsection (c) hereof if he or she finds the following conditions to be satisfied:

(5.1) ~~(4)~~ With respect to roof and yard drainage, downspouts may be allowed to discharge into splash pads or into other suitable devices, but only if the Director of Public Service determines that the flow is not reasonably expected to create a nuisance to neighboring property or the general public. Connections of any pipe carrying roof water or yard drainage to a sanitary sewer shall not be acceptable.

(5.2) ~~(2)~~ With respect to surface drainage, positive drainage shall be provided so that a nuisance will not be created. Catch basins or properly connected underdrains shall be installed, or other suitable alternatives shall be installed where water may pocket, to preclude the accumulation of surface water. Regrading shall be done so that existing natural ground drainage of the surrounding area shall not be impeded.

(5.3) ~~(3)~~ As a precondition to issuance of any special permit pursuant to this section, the land owner may agree, in writing, to indemnify, defend and hold harmless the City, its officers and employees from any claim, injury, loss or damage to the land owner, his or her property or the person or property of any other individual that may directly or indirectly, result from the discharge of storm water over land.

(6) ~~(f)~~ Improper discharge. In the absence of a special permit granted pursuant to this section, the Director of Public Service shall, upon discovery that one or more discharging or infiltrating into a sanitary sewer, compel the land owner to reconnect the offending facilities to the public storm sewerage system.

~~Table 702.3.4 THICKNESS OF GYPSUM BOARD. (Amended)~~

Thickness of Gypsum Board (inches)	Application	Orientation of Gypsum Board to Framing	Maximum Spacing of Framing Members (inches o.c.)			Maximum Spacing of Fasteners (inches)		Size of Nails for Application to Wood Framing ^e
						Nails ^a	Screws ^b	
—Application without adhesive								
5/8	Ceiling	Either Direction	16	7	12	No. 13 gage, 1 5/8" long, 19/64" head, 0.098" diameter,		
	Ceiling	Perpendicular	24	8	12			
	Wall	Either Direction	24	8	12	1 3/8" long, annular-ringed, 6d cooler nail, 0.092" diameter, 1 7/8" long, 1/4" head; or gypsum board nail, 0.091.5" diameter, 1 7/8" long, 19/64" head.		
—Application with adhesive								
5/8	Ceiling ^d	Either Direction	16	16	16	Same as above for 1/2" and 5/8" gypsum board, respectively.		
	Ceiling ^d	Perpendicular	24	12	16			
	Wall	Either Direction	24	16	24			

—

—For SI: 1 inch = 25.4 mm.

—^a—For applicants without adhesive, a pair of nails spaced not less than 2 inches apart or more than 2-1/2 inches apart shall be used with the pair of nails spaced 12 inches on center.

—^b—Screws shall be Type S or W in accordance with ASTM C 1002 and shall be sufficiently long to penetrate wood framing not less than 5/8-inch and metal framing not less than 3/8-inch.

—^c—Where metal framing is used with a clinching design to receive nails by two edges of metal, the nails shall be not less than 5/8-inch longer than the gypsum board thickness and shall have ringed shanks. Where the metal framing has a nailing groove formed to receive the nails, the nails shall have ringed shanks. Where the metal framing has a nailing groove formed to receive the nails, the nails shall have barbed shanks or

~~be 5d, 13-1/2 gage, 1-5/8 inches long, 15/64-inch head for 1/2-inch gypsum board; and 6d, No. 14 gage, 1-7/8 inches long, 15/64-inch head for 5/8-inch gypsum board.~~

~~—^d 3/8-inch thick single-ply gypsum board shall not be used on a ceiling where a water-based textured finish is to be applied, or where it will be required to support insulation above a ceiling. One ceiling applications to receive water-based texture material, either hand or spray applied, the gypsum board shall be applied perpendicular to framing. When applying a water-based texture material, the minimum gypsum board thickness shall be increased from 3/8-inch to 1/2-inch for 16-inch o.c. framing, and from 1/2-inch to 5/8-inch for 24-inch o.c. framing.~~

~~— Section 803.2.4 PORCHES AND PLATFORMS. (Added)~~

~~— Whenever a porch roof is constructed as an integral part of the roof of a residential dwelling house, the area under the roof extrusion, exclusive of overhang, shall be deemed a porch and shall be constructed in accordance with the requirements of Chapters 63 and 65 of the Dwelling House Code. Such porch floor shall be no more than one riser below the interior floor level of the dwelling.~~

~~— Appendix A - Section A201 MANUFACTURED HOMES. (Amended)~~

~~— Manufactured Housing Used as Dwellings. A structure, transportable in one or more section, which in the traveling mode is 8 body feet (2438 body mm) or more in width or 40 body feet (12 192 body mm) or more in length, or, when erected on site, is 320 square feet (30m²) or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and include the plumbing, heating, air conditioning and electrical systems contained therein. Mobile homes are prohibited as principal or accessory structures for residential use.~~

~~— Appendix B - Section B103 SWIMMING POOLS. (Deleted)~~

~~— Section B105.2 OUTDOOR SWIMMING POOLS (Amended)~~

~~— Refer to Parma Heights Code 1375~~

~~— Appendix I (Added)~~

~~— See Title Five (Other Local Provisions) Parma Heights Ordinances.~~

~~(Ord. 2002-37. Passed 10-15-02; Ord. 2003-9. Passed 4-14-03; Ord. 2003-28. Passed 9-8-03. Ord. 2012-23. Passed 6-11-12; Ord. 2015-40. Passed 11-16-15; Ord. 2017-15. Passed 8-7-17.)~~

1301.99 PENALTY.

(a) Whoever violates or fails to comply with any provision of the Residential Code of Ohio ~~Ohio Residential Code~~ is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six months, or both, preempting and replacing any less severe penalty provisions in Section

109 of the Residential Code of Ohio. A separate offense shall be deemed committed each day during or on which a violation or non-compliance occurs or continues.

(b) The application of the above penalty shall not be held to prevent the removal of prohibited conditions.

(Ord. 2002-37. Passed 10-15-02.)

ORDINANCE NO. 2023 - 33

AN ORDINANCE AMENDING SECTION 351.13 ENTITLED “PARKING OF COMMERCIAL VEHICLES” OF THE PARMA HEIGHTS CODIFIED ORDINANCES, AS AMENDED.

WHEREAS, the Administration is recommending that Section 351.13 of the Parma Heights Codified Ordinances be amended, in part, to prohibit the parking of certain commercial vehicles; and

WHEREAS, this update to the Parma Heights Codified Ordinances regarding the parking of commercial vehicles would allow for more efficient regulation of commercial vehicle storage; and

WHEREAS, this Council desires to adopt the recommendation of the Administration.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga, and State of Ohio:

Section 1: That Section 351.13 of the Codified Ordinances shall be amended, and as amended, shall henceforth read as shown by edits set forth in Exhibit “A”, which is attached hereto and incorporated by reference.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 3: That this Ordinance shall take effect and be in force from and after the earliest date provided for by law.

PASSED: _____
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL APPROVED

FILED WITH
THE MAYOR: _____
MAYOR MARIE GALLO

EXHIBIT A

351.13 PARKING OF COMMERCIAL VEHICLES.

(a) No person, operator or owner of a school bus, commercial tractor, agricultural tractor, truck of more than one-half ton capacity, bus, trailer, semitrailer, pole trailer or moving van shall park or permit such vehicle to remain on any street during the period from 60 minutes after sunset until 60 minutes before sunrise or at any other time when there is not sufficient natural light to render discernible persons, vehicles and substantial objects in the street at a distance of 500 feet ahead; ~~unless there has been placed in the street at a point which is approximately the center of the width of such vehicle, at a distance of ten feet in advance of such vehicle and ten feet to the rear of the vehicle, two flares or red electric lanterns, one front and one rear, which may be seen and distinguishable at a distance of 500 feet under normal atmospheric conditions at nighttime.~~

(b) No person shall stand or park a commercial trailer, which is detached from the tractor or other means of locomotion, upon a street, except for the minimum period required in the usual course of business for making a delivery of merchandise or for loading merchandise for delivery.

(c) No person, business, or corporation shall park or leave standing any commercially-plated vehicle that exceeds twenty feet in length, or eight feet in width, or nine feet in height on any residential property within the City for any purpose or length of time other than for the expeditious unloading and delivery; pickup; and/or loading of materials.

In addition to the above restrictions, no person, business, or corporation shall park or leave standing any of the following vehicle types on any residential property within the City for any purpose or length of time other than for the expeditious unloading and delivery; pickup; and/or loading of materials:

- 1) tow trucks;
- 2) flat-bed trucks;
- 3) tractor or semi-tractor trailer trucks;
- 4) stake bed trucks;
- 5) school buses or buses;
- 6) dump trucks exceeding one (1) ton; or
- 7) any vehicle transporting hazardous or flammable materials beyond what would be normally required to propel that type of vehicle.

~~(e) No person shall stand or park a truck with a net weight of over 4,000 pounds, or a commercial tractor, trailer or semitrailer, in a roadway at any time, except for the minimum period required in the usual course of business for making a delivery of merchandise or for unloading merchandise for delivery, in case of emergency or to perform work or maintenance on residential property.~~

(d) No person shall stand or park a commercial tractor or commercial trailer on any private property that has been zoned for residential use, except for the minimum time period that may be

required in the usual course of business for making a delivery of merchandise or for unloading merchandise for delivery.

(e) No person shall park a commercial tractor-trailer or semitrailer on any private property that has been zoned for commercial/office district during the period of 60 minutes after sunset and 60 minutes before sunrise, except for the minimum time period that may be required in the usual course of business for making a delivery of merchandise, or unloading merchandise for delivery, or otherwise conducting the business of the commercial/office located on the premises.

(Ord. 2021-10. Passed 2-22-21.)

RESOLUTION 2023 - 34

**A RESOLUTION AUTHORIZING THE ADMINISTRATION TO DISPOSE OF
OBSOLETE CITY VEHICLES AND EQUIPMENT AT A PUBLIC SALE
THROUGH GOVPLANET/IRONPLANET**

WHEREAS, the Council authorized membership in the National Joint Power Alliance [now known as Sourcewell], a purchasing cooperative in Ordinance No. 2017-3; and

WHEREAS, GovPlanet/IronPlanet is a vendor of the National Joint Power Alliance [now known as Sourcewell]; and

WHEREAS, GovPlanet/IronPlanet will provide the City of Parma Heights with auction services for the disposal of obsolete city vehicles and equipment; and

WHEREAS, the Administration recommends that the vehicles and equipment listed on Exhibit “A” be removed from service as a result of their age and mechanical condition.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Parma Heights, County of Cuyahoga, and State of Ohio:

Section 1: The Administration is authorized and directed to dispose of obsolete city vehicles at a public sale through GovPlanet/IronPlanet, a list of which is described in Exhibit “A”, attached hereto and incorporated by reference.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meeting open to the public, in compliance with the law.

Section 3: That this Resolution shall take effect and be in force from and after the earliest date provided for by law.

PASSED: _____
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL APPROVED

FILED WITH
THE MAYOR: _____
MAYOR MARIE GALLO

Exhibit A

SERVICE	2000 CHEVY	PICKUP TRUCK	1GCGK24R8YR214075
SERVICE	2001 DODGE	TRUCK	3B7KF26Z01M548040
SERVICE	2000 CHEVY	DUMP TRUCK	1GBKC34F7YF506292

RESOLUTION NO. 2023 - 36

A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION BY THE CITY OF PARMA HEIGHTS FOR A DEMOLITION PROJECT TO BE CONSIDERED BY THE CUYAHOGA COUNTY LAND BANK, UNDER THE OHIO DEPARTMENT OF DEVELOPMENT'S (ODOD) BUILDING DEMOLITION AND SITE REUTILIZATION PROGRAM, AND IF AWARDED, FURTHER AUTHORIZING THE EXPENDITURE OF MATCHING FUNDS IN THE AMOUNT OF TWENTY-FIVE PERCENT (25%) AND EXECUTION OF ANY SUBRECIPIENT AGREEMENTS WITH ODOD'S BUILDING DEMOLITION AND SITE REUTILIZATION PROGRAM, AND DECLARING AN EMERGENCY

WHEREAS, the City of Parma Heights has previously executed a cooperative agreement with the Cuyahoga County Land Bank, which agreement has provided for the City to partner with the County Land Bank for project expertise, grant funding, and specialized services; and

WHEREAS, the City has been advised by the Cuyahoga County Land Bank that it can assist the City of Parma Heights (as a subrecipient) in the submission of an application to participate in a competitive process for a grant award from the Ohio Department of Development's Building Demolition and Site Reutilization Program; and

WHEREAS, the City must commit to the expenditure of matching funds required for the demolition project, specifically a documented commitment of authorization by the City to twenty-five percent (25%) of project costs in excess of County allocation; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Parma Heights, County of Cuyahoga and State of Ohio:

Section 1: The following project is designated as an approved project for use in the application to be submitted by the City of Parma Heights in response to the competitive application process undertaken by the Ohio Department of Development's Building Demolition and Site Reutilization Program:

PARMA HEIGHTS LIBRARY DEMOLITION PROJECT

This project is authorized to be submitted pursuant to program requirements and deadlines.

Section 2: This Council hereby authorizes, commits, and encumbers the expenditure of matching funds required for the demolition project, upon the award of grant funds, specifically does hereby authorize contribution of twenty-five percent (25%) of project costs in excess of County allocation by the City of Parma Heights.

Section 3: The Administration is hereby authorized and directed to execute any subrecipient agreements with ODOD for the Building Demolition and Site Reutilization Program as part of the award application process.

Section 4: That the Administration, if selected for ODOD funding, is hereby authorized and directed to expend funds and execute any further agreements required to satisfactorily complete the proposed project.

Section 5: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 6: This Council declares this resolution to be an emergency measure for the immediate preservation of the public health, peace, and safety of this municipality, and for the further reason that it is necessary to expedite the submission of this grant application in order to obtain assistance from the County Lank Bank to meet program requirements and deadlines for the Ohio Department of Development's Building Demolition and Site Reutilization Program; wherefore, it shall be in full force and effect immediately after its passage by Council and approval of the Mayor.

PASSED: _____
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL APPROVED

FILED WITH
THE MAYOR: _____
MAYOR MARIE GALLO

RESOLUTION NO. 2023 - 37

A RESOLUTION AUTHORIZING THE ADMINISTRATION TO ENTER INTO A COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) AND THE CITY OF PARMA HEIGHTS, AND DECLARING AN EMERGENCY

WHEREAS, the City of Parma Heights entered into a regional Stormwater Management Program Service Agreement (SMP Service Agreement); and

WHEREAS, as a component of implementing a regional stormwater management program a “Community Cost-Share Account” has been created; and

WHEREAS, the Community Cost-Share Account is to provide funding to assist the City of Parma Heights with District-approved projects; and

WHEREAS, the District supports the Community Cost-Share Nathan Hale Storm Basin Project (the “Project”) as a Community Cost-Share project proposed by the City; and

WHEREAS, the City desires to enter into a Cost-Share Agreement with NEORS.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Parma Heights, County of Cuyahoga and State of Ohio:

Section 1: The Administration is authorized and directed to execute on behalf of the Municipality a Community Cost-Share Agreement for the Nathan Hale Storm Basin Project by and between the Northeast Ohio Regional Sewer District and the City of Parma Heights, as described in Exhibit “A”, attached hereto and incorporated by reference, and is authorized and directed to expend up to one million dollars (\$1,000,000.00) allocated from the City’s Community Cost-Share Account.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 3: This Council declares this Resolution to be an emergency measure for the immediate preservation of the public health, peace, and safety of this Municipality, and for the further reason that it is immediately necessary to further the Nathan Hale Storm Basin Project; wherefore, this Resolution shall be in full force and effect immediately after its passage by council and approval by the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____

APPROVED

FILED WITH
THE MAYOR: _____

MAYOR MARIE GALLO

EXHIBIT A

COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN THE NORTHEAST OHIO REGIONAL SEWER DISTRICT AND CITY OF PARMA HEIGHTS

This Agreement is made and entered into this _____, 2023, by and between the Northeast Ohio Regional Sewer District (District) acting pursuant to Resolution No. 114-13, adopted by the Board of Trustees of the District on May 16, 2013 (Exhibit “A”), and the City of Parma Heights (City) acting pursuant to Ordinance/Resolution No. _____, adopted on _____, 202__ (Exhibit “B”).

Recitals

WHEREAS, the District, as a component of implementing a regional stormwater management program, manages a financial account termed the “*Community Cost-Share Account*” that is for the aggregation and dissemination of funds derived from revenues collected from the Stormwater Fee; and

WHEREAS, the purpose of the Community Cost-Share Account is to provide funding to assist the City with District-approved projects through the Community Cost Share Program; and

WHEREAS, the Community Cost-Share Program funds are used for construction, operation, and maintenance of the Local Stormwater System or Regional Stormwater System, including administrative costs directly associated with such projects as well as costs related to repair or upgrade; and

WHEREAS, the District supports the Community Cost-Share Nathan Hale Storm Basin project (the “Project”) as a Community Cost-Share project proposed by the City; and

NOW THEREFORE, in consideration of the foregoing, the payment and the mutual promises contained in this Agreement, the parties agree as follows:

Article 1.0 City Obligations

- 1.1 The City agrees to perform as follows:
 - 1.1.1 Complete work as detailed in the District approved Community Cost-Share application. (Exhibit “C”)
 - 1.1.2 Complete and submit Progress Reports when submitting Request for Payment as needed, or within 30 days of close of the Project, per Section 5.0 of the *Community Cost-Share Program Policy*.
 - 1.1.3 Notify the City’s Watershed Team Leader at least seven (7) business days prior to the start of the Project.

- 1.1.4 Meet with District staff when requested to review the Project status.
 - 1.1.5 Obtain all necessary legal agreements with affected property owners to perform the Project and to bind any successor in title to maintain compliance as specified in this Agreement between the District and the City for the Project.
 - 1.1.6 Comply with all applicable local, state and federal requirements. This may include, but is not limited to, U.S. Army Corp of Engineers Section 404, Ohio EPA Section 401 water quality certification, and Ohio Department of Natural Resources Dam Safety Laws.
 - 1.1.7 If the City fails to maintain the Project in accordance with this Agreement, the City shall be liable for the full amount of any Community Cost-Share Program funds paid for the Project. Such amount shall be offset against the City's Community Cost-Share Account.
 - 1.1.8 Submit requests for approval to modify the budget, deadline, deliverables, or other components of the Project to the City's Watershed Team Leader at least 30 business days prior to the desired date of execution of the modification.
 - 1.1.9 Acknowledge the District on any public advertisement or outreach efforts including all publications and signage related to the Project which shall include the following disclaimer:

This project was funded in part or totally through the Northeast Ohio Regional Sewer District (NEORS) Community Cost-Share Program in coordination with City, under the provisions of the NEORS Regional Stormwater Management Program. The contents and views, including any opinions, findings, or conclusions or recommendations, contained in this publication are those of the authors and have not been subject to NEORS review and may not necessarily reflect the views of NEORS, and no official endorsement should be inferred.
 - 1.1.10 Provide the District the opportunity to have design approval for any signage or public education and outreach efforts related to the Project.
 - 1.1.11 Permit the District to photograph the Project and to incorporate the Project into the District's overall public education and outreach efforts for stormwater management.
- 1.2 Failure to meet any of the requirements listed in Article 1.1 may result in termination of this Agreement and reimbursement of disbursed funds to the District.

Article 2.0 **District’s Obligations**

2.1 The District agrees to perform as follows:

- 2.1.1. Allocate \$1,000,000.00 to the City for the Project from the City’s Community Cost-Share Account.
- 2.1.2. Provide reimbursement of funds up to \$1,000,000.00 to the City within 60 days of receipt of a complete Request for Payment from the City, detailing costs related to the Project.
- 2.1.3. The District shall reimburse the City for Project costs paid by the City related to the stormwater equipment that is part of the Project, utilizing only such funds that are available in the City’s Community Cost-Share Account for the City's applications(s), and pursuant to Article 1 of this Agreement and the obligations of this Agreement.
- 2.1.4. Timely review and approval or disapproval of requests to modify the budget, deadline, deliverables, or other components of the Project.
- 2.1.5. Acknowledge the City in presentations or publications related to the Project.
- 2.1.6. The District is not liable for any and all claims, damages, losses, liens, causes of action, suits, judgments and expenses of any nature, kind or description, that result from and to the extent caused by the acts or omissions of the City, the design professional, and the contractor, including all of their officers, owners, principals, subcontractors, employees, and agents. The District is not responsible for the accuracy, correctness and reliability of the plans as it is not reviewing or approving any plans as to suitability of the design/fitness for a particular purpose.

Article 3.0 **Dispute Resolution**

3.01 The Parties shall continue the performance of their obligations under this Agreement notwithstanding the existence of a dispute.

3.02 The Parties shall first try to resolve the dispute at the level of the designated representatives as follows:

District Representative	City Representative
Watershed Team Leader	Director of Finance and HR

If the Parties are unable to resolve the dispute at that level within ten (10) working days, the Parties shall escalate the dispute to the following level to resolve the dispute:

District Representative	City Representative
Director of Watershed Programs	Mayor

- 3.03 If the Parties remain unable to resolve the dispute within an additional ten (10) working days, the Parties shall proceed to mediation upon request by either party. The mediator shall review all documents and written statements, in order to accurately and effectively resolve the dispute. The mediator shall call a meeting between the Parties within ten (10) working days after mediator appointment, which meeting shall be attended by at least the respective representatives listed in paragraph 3.02 above. The Parties shall attempt in good faith to resolve the dispute. The Parties agree to follow the Uniform Mediation Act, Chapter 2710 of the Ohio Revised Code. The Parties shall share the cost of the mediator equally.
- 3.04 Such mediation shall be non-binding between the Parties and, to the extent permitted by law, shall be kept confidential. If the dispute is resolved and settled through the mediation process, the decision will be implemented by a written agreement signed by both Parties. If the dispute is unable to be resolved through mediation, the Parties agree to submit the dispute to the appropriate jurisdiction as per Article 4, Remedies, below.

Article 4 **Remedies**

- 4.01 The Parties agree that, after exhausting the dispute resolution process outlined above, all claims, counter-claims, disputes and other matters in question between the Parties arising out of or relating to this Agreement, or the breach thereof, will be decided at law. This Agreement shall be governed by and interpreted according to the laws of the State of Ohio.

Article 5 **Counterpart Signatures**

- 5.01 This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but which counterparts when taken together shall constitute one Agreement.

Article 6 **Governing Law**

- 6.01 The terms and provisions of this Agreement shall be construed under and governed by the laws of Ohio (to which all Parties hereto consent to venue and jurisdiction).

Article 7 **Disclaimer of Joint Venture**

- 7.01 This Agreement is not intended to create a joint venture, partnership or agency relationship between the Parties, and such joint venture, partnership, or agency relationship is specifically hereby disclaimed.

Article 8 **Authority to Execute**

8.01 Each person executing this Agreement represents and warrants that it is duly authorized to execute this Agreement by the party on whose behalf it is so executing.

Article 9 **Exhibits**

The following exhibits are attached hereto and incorporated herein:

Exhibit "A" – District Resolution

Exhibit "B" – City Ordinance/Resolution

Exhibit "C" – District Approved Community Cost Share Application

[signatures on the following page]

The parties have executed this Agreement on the day and year first above written.

NORTHEAST OHIO REGIONAL SEWER DISTRICT

BY: _____
Kyle Dreyfuss-Wells
Chief Executive Officer

AND

BY: _____
Darnell Brown, President
Board of Trustees

CITY OF PARMA HEIGHTS

By: _____

Title: _____

The Legal Form and Correctness of this Instrument is hereby Approved:

CITY OF PARMA HEIGHTS

Assistant/Director of Law

This Instrument Prepared By:

Anka M. Davis
Assistant General Counsel
Northeast Ohio Regional Sewer District

Each party agrees that this Agreement may be executed and distributed for signatures via email, and that the emailed signatures affixed by both parties to this Agreement shall have the same legal effect as if such signatures were in their originally written format.

[FOR NEORS D USE]

AGREEMENT NO.

NORTHEAST OHIO REGIONAL SEWER
DISTRICT

WITH

CITY OF PARMA HEIGHTS

FOR

COMMUNITY COST-SHARE PROJECT:

NATHAN HALE STORM BASIN

Total Approximate Cost: \$1,000,000.00
”

CERTIFICATION

It is hereby certified that the amount required to meet the contract, agreement, obligation, payment or expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the Treasury or in process of collection to the credit of the fund free from any obligation or certification now outstanding.

KENNETH J. DUPLAY
CHIEF FINANCIAL OFFICER

Date

The legal form and correctness of the within instrument are hereby approved.

ERIC J. LUCKAGE
CHIEF LEGAL OFFICER

Date

Budget Center 8100

EXHIBIT A

NORTHEAST OHIO REGIONAL SEWER DISTRICT
RESOLUTION NO. 114-13

Authorizing the Executive Director to enter into Regional Stormwater Management Program Community Cost-Share Program Agreements with Member Communities.

WHEREAS, the Code of Regulations of the Northeast Ohio Regional Sewer District, Title V – Stormwater Management Code Chapter 9 outlines the Community Cost-Share Program developed to provide funds to District Member Communities for construction, operation and maintenance activities of community-specific stormwater management projects; and

WHEREAS, under the Community Cost-Share Program, 25% of the annual collected stormwater revenue from each Member Community will be held by the District in a Community Cost-Share account, whereby Communities, with review and approval by the District, through specific applications outlining the community-specific stormwater work to be performed can access reimbursement of their funds; and

WHEREAS, the District is seeking authority to enter into Regional Stormwater Management Program Community Cost-Share Program Agreements with Member Communities for the purpose of detailing and memorializing responsibilities of the District and Member Communities under specific applications to the Community Cost-Share Program;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE NORTHEAST OHIO REGIONAL SEWER DISTRICT:

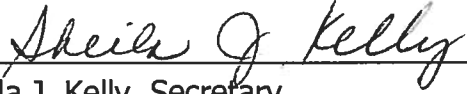
Section 1. That this Board finds that for the reasons stated in the preamble hereof it is in the best interests of the District to enter into Regional Stormwater Management Program Cost-Share Program Agreements with Member Communities to memorialize responsibilities of the District and Member Communities under specific applications to the Community Cost-Share Program.

Section 2. That this Board hereby authorizes the Executive Director to enter into Regional Stormwater Management Program Cost-Share Agreements with Member Communities to memorialize responsibilities of the District and Member Communities under specific applications to the Community Cost-Share Program under such terms and conditions that are satisfactory to the Director of Law and in the best interests of the District.

Section 3. That this Board authorizes the Executive Director to execute all documents and do all things necessary to effect the terms and conditions of the Stormwater Management Program Direct Billing Agreements with Member Communities.

Section 4. That this Board declares that all formal actions of the Board concerning and relating to the adoption of this resolution and that all deliberations of the Board and any of its committees that resulted in said formal action were conducted in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On motion of Mayor Starr seconded by Mr. O'Malley, the foregoing resolution was unanimously adopted on May 16, 2013.



Sheila J. Kelly, Secretary
Board of Trustees
Northeast Ohio Regional Sewer District

EXHIBIT B

(Insert Member Community
Ordinance/Resolution)

EXHIBIT C



Community Cost-Share Program APPLICATION

Member Community Information

Community: _____

Primary Project Contact: _____
(Name & Title)

Mailing Address: _____

Phone Number: _____

Email: _____

Project Information

Project Title: _____

Address or Location of Project: _____

Project Start Date: _____

Project End Date: _____

Community Cost-Share Fund Request: _____

Submission Date: _____



Project Narrative

1) **Project Summary** (1,000 word maximum)

Describe the Project and include the following information, as applicable:

- Describe the Project and deliverables; provide a map if applicable
- Submit a deliverable worksheet listing tasks and deliverables with start dates and end dates for the significant benchmarks.
- List permitting requirements necessary to initiate and complete project and how the requirements will be met.



2) Ability to Provide Long Term Maintenance (500 word maximum)

Describe the plans for long-term maintenance, addressing the following question:

- Who is responsible to provide on-going maintenance for the project and how will maintenance be ensured?
- Provide documentation of scheduled maintenance and operation for completed stormwater project(s).



3) **Visibility and Public Outreach:** (500 word maximum)

Public outreach is required if appropriate for your project.

- What audiences will be exposed to this Project (neighbors, students, community groups, general public)?



4) **Budget Summary** (500 words maximum)

The Budget Summary and Project Budget (*see page 3*) represent the Community Cost-Share Project components exclusively. Include details on the provider of all services such as design, engineering, construction management and materials including specific material cost, equipment, and hourly rate.

If an engineer's estimate is included with the application, indicate which line items are included in the Community Cost-Share Project application.



Vendor Registration

Prior to submission, ensure that the Member Community is a registered vendor with the District. Vendor Registration can be done by accessing http://www.neorsd.org/isupplier_homepage.php and completing the New Vendor Registration. If unsure of the Member Community vendor status, by initiating the New Vendor Registration a message of active registration will appear if currently registered as a vendor.

Project Budget

Project Expenses	Community Cost-Share Expense	Line Item Description
Professional Services		
Personnel <i>(Member Community staff only)</i>		
Subcontract		
Equipment		
Materials		
Other		
TOTAL	\$	

National Park Service
U.S. Department of the Interior

Nathan Hale Park
Parma Heights, Ohio



Federal Lands to Parks Program Change of Use at Nathan Hale Park Environmental Assessment



Draft July 2021

Executive Summary

The National Park Service (NPS) proposes to amend the Program of Utilization (POU) agreement between the NPS and the City of Parma (City) for Nathan Hale Park. The agreement with the deed forms the contract by which the property was conveyed and with which the grantee must comply. A Grantee may propose an amendment to the POU for a public recreation use that is different than the recreation use in the original application for the property. Any amendments for different recreational use must be approved by the NPS. The City requested to change its use of six to nine acres of the 25-acre Nathan Hale Park for a multi-use project combining a naturalized stormwater retention basin with new and rehabilitated recreational resources for the community.

This Environmental Assessment (EA) evaluates one no-action alternative and one action alternative and analyzes the environmental consequences of implementing each alternative. Under Alternative A, the no-action alternative, the current POU would remain in place and the city would restore the baseball field to its original state. Alternative B, the action alternative, would update the POU to allow construction of a stormwater pond, surrounding path, and other amenities to support the park and reduce neighborhood flooding. The alternatives are described in detail in Chapter 2.

This EA has been prepared in compliance with the National Environmental Policy Act (NEPA) to provide a decision-making framework as follows: 1) Assess a reasonable range of alternatives to meet the underlying purpose of the proposed action; 2) Evaluate potential issues and impacts to the natural and cultural resources of the park; and 3) Identify required mitigation measures designed to lessen the degree or extent of any potential adverse environmental impacts.

Impact topics are Resources identified by agency staff and the public that may potentially be affected by the actions described within the alternatives. The resources include: soils, visitor use and experience, and water resources. For a list of other resource topics reviewed and dismissed by the interdisciplinary team see Table 1. After reviewing the potential impacts to resources and conferring with technical consultants working on the project, the Northeast Region of the Federal Lands to Parks program determined implementing the Proposed Action would result in only minor effects and identified no significant impacts.

Public Comment

This EA will be on public review for 30 days. The NPS Planning, Environment and Public Comment (PEPC) site provides access to current plans and related documents on public review. Users of the site can submit comments for documents available for public review. If you wish to comment on the EA, you may post comments online at <http://parkplanning.nps.gov/xxxx> or mail comments by **Xxx XX, 2021** to:

Northeast Regional Program Manager
Federal Lands to Parks
15 State St
Boston, MA 02109

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

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1.0 Introduction

Nathan Hale Park is a 25-acre property located in Parma Heights, Ohio. The City of Parma Heights (City) acquired the property at no cost via a 1971 quitclaim deed through what is now called the Federal Lands to Parks Program¹ (formerly the Surplus Property Program for Parks and Recreation administered by the Bureau of Outdoor Recreation and subsequently by the NPS) pursuant to the Federal Property and Administrative Services Act, as amended (40 U.S.C. 550 (b) and (e)).

The property deed requires that the property must be used and maintained for the public purposes for which it was conveyed in perpetuity, i.e. public parks and recreation, as set forth in the Program of Utilization (POU) and plan contained in the application, submitted by the City on December 31, 1970. The deed reserved the right of reversion to the United States if the land was no longer used or needed for public parks and recreation, or for other noncompliance with the terms of the deed. The POU limits the use of the land to public parks and recreation. Since the time of transfer, the park has been used as a city park providing for a variety of recreation, including baseball, soccer, playground areas, and other active and passive recreational activities.

In May of 2019, NPS was notified that the city had closed and partially dismantled the baseball field; intending to construct a stormwater detention basin to detain and slowly release stormwater to curb area flooding. The City had obtained a \$1 million grant from the Northeast Ohio Regional Sewer District for construction. The NPS issued a stop work letter in order to initiate compliance with deed requirements. All or portions of properties no longer needed or used for the public park and recreation purposes may be reverted back to federal ownership, in which case, the General Services Administration (GSA) would redispense of the property, usually through public sale.

1.1 *Scope of the Project*

A Grantee may propose an amendment to the Program of Utilization (POU) for a public recreation use that is different than the original application for the property. Any amendments for different recreational use must be approved by the NPS. The City requested to change its use of 6-9 acres of Nathan Hale Park for a multi-use project combining a naturalized stormwater detention basin with new and replacement recreational resources for the community. The City of Parma Heights has experienced significant storm sewer and overland flow flooding over the past several years, which has caused and is continuing to cause extensive damage to private property.

After consulting with the NPS, the City submitted a design proposal with a stormwater basin and new recreational amenities compatible with the parks and recreation requirement for the land in order to request an amendment to the POU for the park. The project design is intended to help address flooding issues in the area while maintaining recreational uses of the park.

This Environmental Assessment (EA) has been prepared in compliance with the National Environmental Policy Act (NEPA) to provide the decision-making framework that: (1) analyzes a reasonable range of alternatives to meet the objectives of the proposal, (2) evaluates potential issues and impacts on resources and values, and (3) identifies mitigation measures to lessen the degree or extent of these impacts.

¹ The Federal Lands to Parks Program helps communities to acquire, reuse and protect surplus federal properties for local parks and recreation. States, counties, and communities may acquire federal land and buildings no longer needed by the federal government at no cost on condition they are protected for public parks and recreation.

1.2 *Purpose and Need for Action*

1.2.1 **Purpose**

The purpose of the proposed action is to ensure that the property continues to provide public park and recreational use and maintains eligibility under the property deed, while also meeting the City's need for stormwater mitigation.

1.2.2 **Need**

The NPS's need for the proposed action is to respond to a request from the City of Parma Heights, which has requested an amendment to its original POU to allow construction of a stormwater pond, surrounding path, and other amenities to support the park and reduce neighborhood flooding, while complying with appropriate laws and regulations.

1.3 *Project Objectives*

Objectives are more specific statements of purpose that provide an additional basis for comparing the effectiveness of alternatives in achieving the desired outcomes of the action (NPS 2015). All alternatives carried forward for detailed analysis must meet all objectives in no small degree and must resolve the purpose of and need for action. The planning team identified the following objectives:

1. Property continues to provide opportunity for public park and recreational use.
2. Property continues to maintain eligibility for the Federal Lands to Parks Program.
3. The Federal Lands to Parks program fulfills the obligation to consider any proposed change to the Program of Utilization submitted by the City of Parma Heights as set forth in the Application dated December 31, 1970.

Nearmap Image
Provided by Neff
& Associates
Subscription
A-S00020693

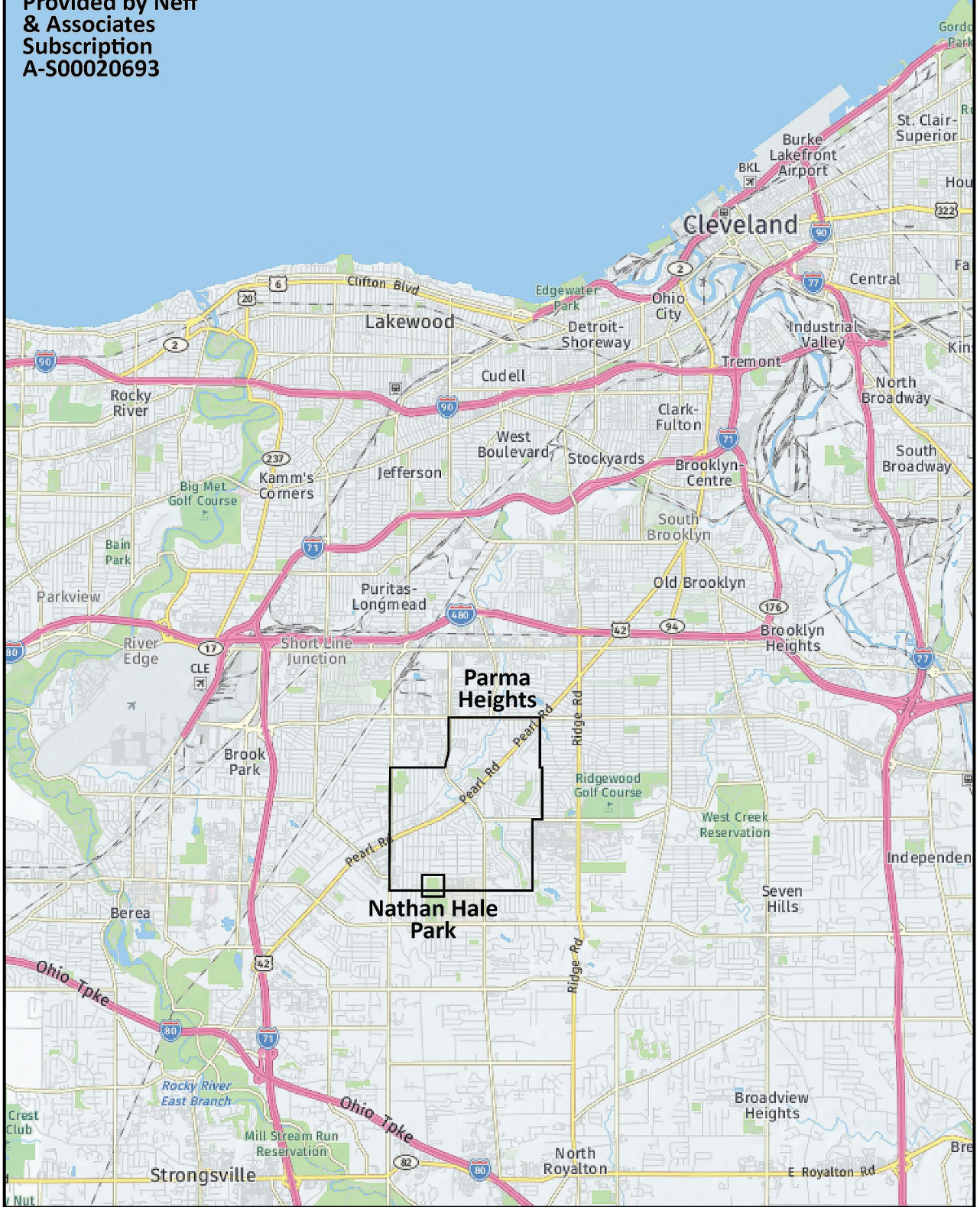


Figure 1: Map showing the location of Parma Heights and Nathan Hale Park in Ohio.

1.4 **Impact Topics**

Issues related to soils, visitor use and experience, and water resources are analyzed in detail in this EA. Resources were retained for detailed analysis either because (a) they are central to the proposal or of critical importance, (b) analyzing them will inform the decision making process, or (c) because the environmental impacts associated with the issue are a significant point of contention.

Issues related to cultural and historic resources, human health and safety, socioeconomics and environmental justice, vegetation, and special status species have been dismissed from detailed analysis because they are not central to the proposal, do not assist with making a reasoned choice between alternatives, or are not a point of contention.

Table 1 below summarizes which topics were retained or dismissed and includes the rationale for dismissal.

Table 1. Impact Topics Retained or Dismissed

Impact Topic	Retain	Dismiss	Rationale for Dismissal
Cultural and Historic Resources		x	There are no historic or archaeological resources within the project area. Refer to Appendix E. (Ohio State Historic Preservation Office Letter, 2021)
Human Health and Safety		x	The City’s design for the basin will include “design elements to increase safety: providing mild (5:1) slopes and a safety shelf around the perimeter of the detention pond which reduces the risk of someone falling into the permanent pool; and placing wetland plants on the safety shelf combined with shrubs on the slopes and an unmowed buffer around the pond to discourage wading and swimming.”
Socioeconomics and Environmental Justice		x	Although this project would change the recreational activities provided at the park it would not change public access to the park.
Soils	x		
Special Status Species		x	The U.S. Fish and Wildlife Service (USFWS) identified the following Federally Threatened and Endangered Species that may occur in the project area: the endangered Indiana bat (<i>Myotis sodalis</i>) and threatened northern long-eared bat (<i>Myotis septentrionalis</i>) occur throughout the State of Ohio. No maternity roosts or hibernaculum have been identified within the project area. No trees > 3 in diameter at breast height (dbh) would be removed from April 1-September 31 without further consultation. The project is within the range of the following state listed special status species: lake sturgeon (<i>Acipenser fulvescens</i>), the channel darter (<i>Percina copelandi</i>), the bigmouth shiner (<i>Notropis dorsalis</i>), the smooth greensnake (<i>Opheodrys vernalis</i>), the spotted turtle (<i>Clemmys guttata</i>), and the Blanding's turtle (<i>Emydoidea blandingii</i>). Seven species of state listed birds are also listed in the project area. Additional state listed special status species may occur within the range of the project, however, they are unlikely to be impacted by this project due to a lack of habitat within the area of potential effect. See Appendix C for the Ohio Department of Natural Resources (ODNR) consultation letter and full species list. The ODNR recommends no in-water work in perennial streams from April 15 through June 30 to reduce impacts to indigenous aquatic species and their habitat.
Vegetation		x	This site contains successional woods, lawn, emergent wetlands, and forested wetlands (Davey Resource Group, Inc., 2019). The project would include reseeding the site with native or appropriate flora, once the basin is constructed.
Visitor Use and Experience	x		Based on the unanticipated changes in the population, changes in recreation programming needs, and a growing awareness of the importance of well-designed open space the construction of the proposed stormwater basin project at the expense of one baseball diamond and two soccer fields is a prudent investment in the City's future. The loss of the ball fields will not have a negative effect on the city's recreation facilities or recreation programs and will provide a greater range of recreational options.
Water Resources	x		

2.0 Alternatives

This EA analyzes a no-action alternative and one action alternative. This chapter describes the alternatives in detail, while impacts associated with the actions proposed under each alternative are outlined in Chapter 3: Affected Environment and Environmental Consequences.

2.1 *Alternative A: No-Action*

If the proposed change of use was not approved the original/current POU would remain in effect. The baseball field would need to be restored to its original state and the flooding of the surrounding residential area and park would not be addressed.



Figure 2: Map of Nathan Hale Park with recreational features as required in the original POU (CT Consultants, Nathan Hale Park Proposed Stormwater Basin Assessment of Impacts, 2020).

2.2 **Alternative B:**

This alternative would involve the construction of a stormwater pond, surrounding path, and other amenities to support the park and reduce neighborhood flooding, while complying with appropriate laws and regulations and without invoking the deed revert to return the property to Federal ownership.

A storm sewer hydraulic modeling study was conducted of the southwest sewer system in the City of Parma Heights to analyze the existing sewer system's performance under wet weather conditions and identify alternatives for improvement. Modeling indicated that the proposed storage basin in the park would allow the storm system in the southwest corner of the city to operate normally. The intent is to divert flow from the drainage channel located parallel to the rear lot lines along Meadowbrook Drive and from an existing storm sewer pipe on Oakdale Drive to the proposed stormwater basin. In combination, this will divert the majority of the upstream watershed area and allow it to be detained and slowly released over time.

The stormwater basin would be constructed in the northern portion of the park. Three areas of the site will be disturbed: the area for the basin is roughly 720 feet by 480 feet, the area for the stormwater diversion channel located in the northeast corner of the site is 40 feet by 105 feet, and the channel located along the northern boundary line that connects to a new stormwater pipe is approximately 30 feet by 620 feet. In addition, approximately 300 feet of new storm sewer will be installed west of the proposed basin. The depth of disturbance is approximately 24 feet from the highest existing elevation (874 feet) to the lowest elevation (850 feet) for the basin, approximately nine (9) feet from the highest existing elevation (869 feet) to the lowest elevation (860 feet) for the stormwater diversion channel, and approximately seven (7) feet from the highest elevation (870 feet) to the lowest (863 feet) for the channel along the northern property line.

The area of disturbance will occur primarily on cleared land currently used for ballfields. The project includes excavating an area of approximately 8 acres to create a stormwater management facility designed to function as a constructed wetland. Once the basin is constructed, the site will be planted with native trees and wildflowers, and educational panels will be installed. A walking path will be installed along the perimeter of the "storage" area of the basin, as well as benches and a gazebo. The old concession stand, a 5,709 sq ft concrete block building located near the entrance to the park, will be demolished and replaced with a smaller building with restrooms and an attached pavilion. The old buildings located on the current site are dilapidated and no longer used by the city. The City has indicated that these buildings left over from the mid-20th century Nike Base will be demolished as a part of their request for a change in the POU. The Ohio State Preservation Office (OSHP) has concurred that these buildings are not considered historic structures. Additionally, the City has committed to resurfacing both parking areas as part of the proposed change in the POU.

On March 2, 2021 the NPS requested a review by the GSA of the City's request for an amendment to the POU and the proposed construction that will alter the property to determine the effect on the federal real estate value. On March 25, 2021 the NPS received a response of no objection from the GSA to the proposed amendment to the POU (See Appendix D). Consultation letters from state and federal agencies including the Army Corps of Engineers, the U.S. Fish and Wildlife Service, the ODNR and the OSHP's office concur that the project would not have adverse effects and outline responsibilities for the City to avoid or mitigate impacts on the resources.

Stipulations:

- Construction will be carried out to comply with local ordinances to minimize dust and

noise, including daily time restrictions, noise level limits and equipment requirements. The City has committed to minimizing the impacts on recreational access during construction.

- As compensatory mitigation for the permanent and unavoidable loss of 0.49 acre of Federal jurisdictional wetlands and for the permanent and unavoidable loss of 80 linear feet of Federal jurisdictional stream, the City must purchase 1.3 wetland credits and 120 stream credits from The Nature Conservancy In-lieu Fee Program, Cuyahoga Watershed.
- To reduce any potential adverse effects on the Federally endangered Indiana bat (*Myotis sodalis*) or the Federally threatened Northern long-eared bat (*Myotis septentrionalis*), trees (woody stems greater than 3 inches dbh) must not be cut between April 1 and September 30, of any year.
- The City is required to install, prior to any grading or filling operations and installation of proposed structures or utilities, all erosion and sediment control practices. They must remain in place and be maintained until construction is completed and the area is stabilized.
- The City must completely remove and properly dispose of all erosion control devices immediately after the site has stabilized ("Stabilized" is defined as 90% areal coverage of vegetative growth in the disturbed site).
- The City is responsible for ensuring that the contractor and/or workers executing the activity(s) authorized by the permits or letters associated with this project have knowledge of the terms and conditions of the authorization and that a copy of the permit document and stipulations is at the project site throughout the period the work is underway.
- That the City is required to install, prior to any grading or filling operations and installation of proposed structures or utilities, all erosion and sediment control practices. They must remain in place and be maintained until construction is completed and the area is stabilized.

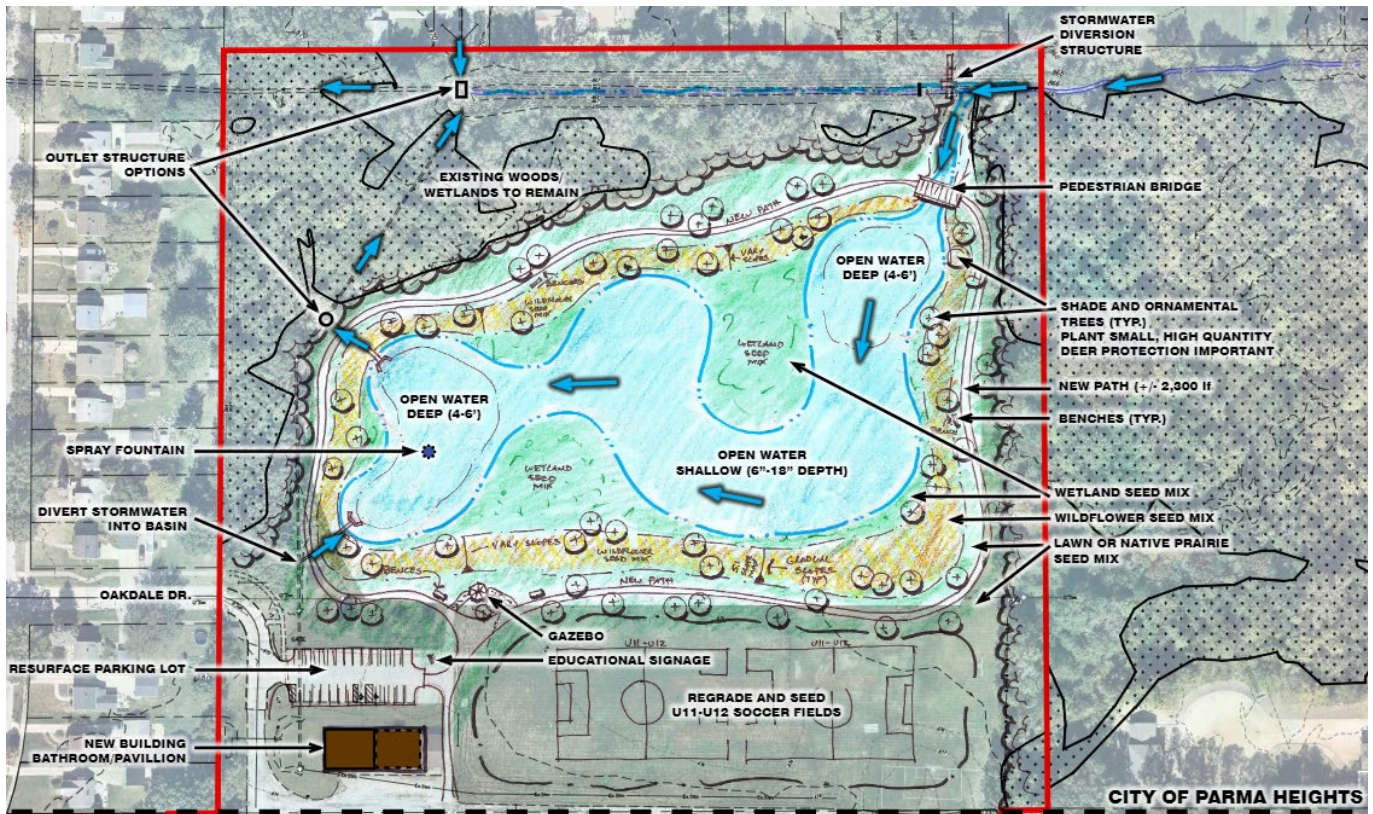


Figure 3: Map of park showing proposed project features.

2.3 Alternatives Considered but Dismissed

Table 2 summarizes the actions initially considered as potential alternatives but were later dismissed from further analysis.

Table 2: Alternatives Considered but Dismissed from Further Review

Alternatives Considered	Reason for Dismissal
County Purchase of the Land	This alternative would allow the City of Parma Heights to purchase the property at fair market value to remove deed restrictions. The City has indicated a lack of available funding or desire to purchase the property at this time. Therefore, this was dismissed as a suitable alternative.
Land Exchange	This alternative would allow replacing all or a portion of the land with alternative land of equal or greater fair market value and public park and recreation utility. When the City and the NPS reviewed this alternative, no suitable land exchange options were available. Therefore, this was dismissed as a suitable alternative.

3.0 Affected Environment and Environmental Consequences

3.1 *Introduction*

This chapter describes the affected environment and documents the existing conditions of the park. These descriptions serve as a baseline for understanding the resources potentially impacted were the alternatives described enacted. This chapter analyses the environmental consequences or “impacts” of the no-action alternative and action alternative for each resource. The resource topics presented in this section correspond to the environmental issues and concerns identified during internal scoping.

In accordance with the Council on Environmental Quality (CEQ) regulations, the environmental consequences analysis includes trends and reasonably foreseeable future actions (40 CFR 1502.16). The intensity of the impacts is assessed in the context of the park’s purpose and significance and any resource-specific context that may be applicable (40 CFR 1508.27). The methods used to assess impacts vary depending on the resource being considered, but generally are based on a review of pertinent literature and park studies, information provided by on-site experts and other agencies, professional judgment, and park staff knowledge and insight.

3.2 *Soils*

3.2.1 **Affected Environment**

Nathan Hale Park was built on an environmentally disturbed site that was part of the former 187-acre Nike missile site; officially activated by the U.S. Army in 1956 and deactivated in 1961. After the NPS conveyed 25-acres of the missile site to the City of Parma Heights in 1971, the park was developed with eight (8) soccer fields and a baseball diamond (dismantled in 2019 as part of the stormwater retention project). The existing buildings were renovated for storage space and a pavilion.

In 2000, the U.S. Army Corps of Engineers (USACE) Louisville District and its agent, AmTech Engineering, Inc. planned work to remove two underground tanks from the park. One was a 5,000-gallon tank used for gasoline storage and was located under a parking lot. The other tank was a 6,000-gallon tank that had held diesel fuel and was located under a soccer field. The tanks were removed and closed in accordance with the State of Ohio Bureau of Underground Storage Tank Regulations (BUSTR). Samples of the soil at both tank locations did not show evidence of contamination. In February 2001, the Bureau of Underground Storage Tanks formally stated in a letter that the Control Area site had been deemed as being in no further action status.

The Hydric Soils of the United States (1991) was reviewed to determine potential hydric soils identified within the study area. No hydric soils were identified but Mahoning silt loam with 0-2 percent slopes has been identified as having hydric inclusions when occurring within depressions.

3.2.2 **Environmental Consequences**

3.2.2.1 *Alternative A- Impacts*

The former ball diamond would be reestablished in its original location. There would be no additional impacts to soils in the park from this alternative.

3.2.2.2 *Alternative B- Impacts*

Under this alternative three areas of the site would be disturbed: the area for the basin is

roughly 720 feet by 480 feet, the area for the stormwater diversion channel located in the northeast corner of the site is 40 feet by 105 feet, and the channel located along the northern boundary line that connects to a new stormwater pipe is approximately 30 feet by 620 feet. In addition, approximately 300 feet of new storm sewer would be installed west of the proposed basin. The depth of disturbance is approximately 24 feet from the highest existing elevation (874 feet) to the lowest elevation (850 feet) for the basin, approximately nine (9) feet from the highest existing elevation (869 feet) to the lowest elevation (860 feet) for the stormwater diversion channel, and approximately seven (7) feet from the highest elevation (870 feet) to the lowest (863 feet) for the channel along the northern property (Ohio State Historic Preservation Office Application for Nathan Hale Park, 2020). The excavated material would be removed from the site. The Engineer would follow the recommendations from the GeoSci Geotechnical Report for stabilization including bringing in fill and use of a clay liner for the stormwater basin. Due the history of heavy disturbance at this site, impacts to soils would be minor and permanent.

3.3 *Visitor Use and Experience*

3.3.1 **Affected Environment**

The park is under the care and control of the city's Recreation Department and the department maintains the 8 soccer fields and recreational facilities (playground, pavilion). The baseball diamond was dismantled in 2019 as part of the stormwater retention project prior receiving the NPS' stop work letter.

Consistent with the original plan the park is used primarily for passive recreation and the city's recreational soccer program. The public utilizes the park's paved roads and parking lot for walking, jogging, bicycling and other outdoor activities. The public also utilizes the playground equipment and shelter for picnicking activities. The old buildings located on the current site are dilapidated and no longer used by the city. During public meetings in 2019, residents indicated that they frequently walked their dogs in the park although there is currently no formal walking paths.

The passage of 50 years has altered the objectives of the original application.

- a) The population in the city never reached the estimated population of 35,000.
- b) The number of children participating in baseball programs has decreased from 1,700 in 1970 to 336 in 2020.
- c) There is an increased need for a range of recreational uses that provide activities for residents of all ages and abilities.
- d) The COVID-19 pandemic demonstrated a need for more recreational opportunities close to where people live, including passive recreation features.
- e) There has been increasing flooding in the surrounding neighborhoods as well as within the park due to the existing sewer lines being undersized.

3.3.2 **Environmental Consequences**

3.3.2.1 Alternative A- Impacts

The former ball diamond would be reestablished in its original location. The proposed alternate recreational features would not be provided to visitors and the parking lot would not be rehabilitated. Impacts would be long-term and minor.

3.3.2.2 Alternative B- Impacts

Under the proposed project facilities would be constructed to address seasonal flooding and add new recreational features associated with a water detention basin. The basin is designed to reflect a natural pond setting with native plantings and a walking path with educational panels around the water feature. The project would also include a new picnic pavilion and gazebo. These additional features will create additional passive recreation amenities not currently offered within the park and neighborhood area. With two parking lots, the northern one to accommodate users for the walking path and the southern parking lot to accommodate the six remaining soccer fields, the active recreation facilities would remain grouped in the southern portion of the site. The formal walking path would allow continued and improved access to residents who utilized the park for walking purposes.

The proposed changes continue to preserve open space and provide for environmentally- friendly, green infrastructure. The basin would include design elements to increase safety: providing mild (5:1) slopes and a safety shelf around the perimeter of the detention pond which reduces the risk of someone falling into the permanent pool; and placing wetland plants on the safety shelf combined with shrubs on the slopes and an unmowed buffer around the pond to discourage wading and swimming. This approach would also create wildlife habitat and an attractive natural shoreline.

This project would increase the range of recreational uses for neighborhood residents of all ages and abilities which may increase the number of residents using the park. The remaining facilities at Nathan Hale Park would not be negatively impacted by the proposed change and, in fact would be complemented by the changes. Based on the changes in the population, changes in recreation programming needs, and a growing awareness of the importance of well-designed open space and need for more recreational opportunities, the construction of the proposed stormwater basin project at the expense of one baseball diamond (dismantled in 2019) and two soccer fields (six soccer fields will remain would have a net benefit to the park and visitor use. Two soccer fields (#5 and #6 in Figure 2) would be closed during construction of the basin, after which the fields would be regraded and seeded (CT Consultants, Nathan Hale Park Proposed Stormwater Basin Assessment of Impacts, 2020). The baseball diamond has not been used as part of the city's recreational baseball program for many years because the number of participants in the city baseball program has diminished to the point that this field is no longer necessary for the program. Due to the availability of baseball fields at nearby public parks, including at the adjacent Nike Site Park, and the remaining six soccer fields, the loss of the ball fields will not have a negative effect on the city's recreation facilities or recreation programs.

3.4 Water Resources

3.4.1 Affected Environment

The City of Parma Heights has experienced significant storm sewer and overland flow flooding over the past several years, including flooding within the park (NPS Correspondence from Daniel Neff, P.E., Neff & Associates). The site contains successional woods, lawn, emergent wetlands, and forested wetlands. Three wetlands totaling 2.258 acres are found within the study area. Wetland hydrology indicators observed in the wetlands include blackened leaves, sediment deposits, drainage patterns, and soil saturation. Surface water runoff is the source of hydrology for the wetlands. All

of the wetlands are adjacent to and show evidence of surface water flow from the wetlands to the stream which flows from east to west across the site. This stream flows into storm sewers, eventually flowing into Big Creek approximately 0.5 mile north of the site. As the stream flows into Big Creek (tributary to the Cuyahoga River, traditional navigable water (TNW)), the wetlands are considered non-isolated and under the jurisdiction of USACE (Davey Resource Group Inc., 2019).

3.4.2 Environmental Consequences

3.4.2.1 Alternative A- Impacts

The surrounding residential area and park would continue to experience flooding from sewer backups. Currently large storm events cause flooding in the park that requires the fields to be closed until the storm water recedes, typically a few days. As water from the park drains into the sewer system, the frequent back ups the system experiences results in the fields retaining water for extended periods. Additionally, water would continue to consistently pond along the west side of the park and this area can be under water for weeks at a time (NPS Correspondence from Daniel Neff, P.E., Neff & Associates). The chronic sewer backups also have a negative impact on water quality by increasing the runoff of contaminants such as bacteria, nutrients, and trash. Impacts would be moderate and long-term, but not irreversible.

3.4.2.2 Alternative B- Impacts

A storm sewer hydraulic modeling study indicated that the proposed storage basin in the park would allow the storm system in the southwest corner of the city to operate normally. This project would divert approximately 250 acres of upstream drainage area to the proposed basin. The basin would provide storage for approximately 11 million gallons of stormwater and allow it to be detained and slowly released over time. The proposed stormwater basin would reduce stormwater flow in the local sewers and decrease basement backups during storm events, resulting in a benefit to the residents in the area. Subject matter experts including the Northeast Ohio Regional Sewer District Watershed Team Leader Donna Friedman said the proposed Nathan Hale stormwater basin would have a significant role in reducing the occurrence of flooding within the southwestern portion of Parma Heights. This project would also allow stormwater management in the area to be more resilient.

The proposed stormwater basin would reduce stormwater flow in the local sewers and decrease flooding of the park during storm events, resulting in a benefit to the residents in the area. Green infrastructure, such as this stormwater basin, can filter as much as 95 percent of major pollutants out of stormwater runoff, resulting in improved water quality (Schottland, 2019). Although this project would result in the loss of some Federal jurisdictional wetlands and Federal jurisdictional stream this would be offset by the purchase of mitigation credits and the overall impacts from this project would be beneficial to water resources and long-term.

4.0 Consultation and Coordination

4.1 *Lead and Cooperating Agencies*

Federal Lands to Parks
General Services Administration

4.2 *Federal Agencies*

U.S. Fish and Wildlife Service
U.S. Army Corps of Engineers

4.3 *State Agencies*

Ohio State Historic Preservation Office
Ohio Department of Natural Resources

4.4 *American Indian Tribes*

4.5 *Local Agencies*

4.6 *Other Environmental and Regulatory Requirements*

Endangered Species Act: Section 7 consultation with U.S. Fish and Wildlife Service

Executive Orders 11988 and 11990: Floodplain management

National Historic Preservation Act (Section 106): Provide for review by the Advisory Council on Historic Preservation

A Notice of Availability of the XXXXX and Environmental Assessment will be published in the local newspaper, allowing 30 days for public comment.

5.0 List of Preparers and Contributors

The persons responsible for the review of the proposed action, the supporting information and analyses, and the preparation of this EA are listed below:

US DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE

Federal Lands to Parks

Diane Keith, Program Manager

Department of Interior Unified Regions 3, 4, and 5 Regional Office

James Lange, Planning and Compliance Division Manager

Christine Gabriel, Regional Environmental Coordinator

Amber Rhodes, Environmental Protection Specialist

References

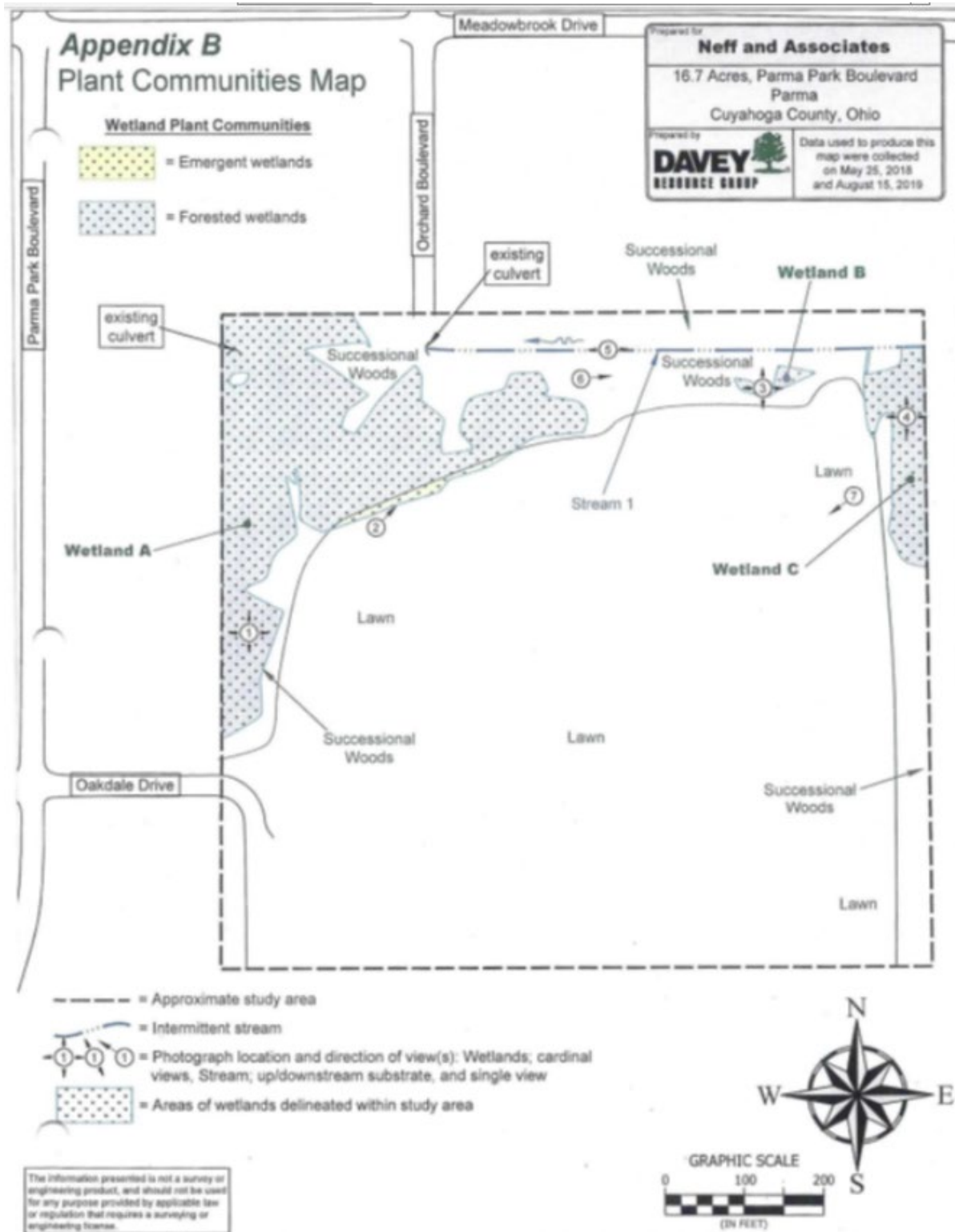
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Inc.

Appendix A: Water Resources Map



Appendix B: Plant Communities Map



Appendix C: ODNR Consultation Letter



Ohio Department of Natural Resources

MIKE DEWINE, GOVERNOR

MARY MERTZ, DIRECTOR

Office of Real Estate
John Kessler, Chief
2045 Morse Road – Bldg. E-2
Columbus, OH 43229
Phone: (614) 265-6621
Fax: (614) 267-4764

November 6, 2020

Adam Zaryk
CT Consultants, Inc.
8150 Sterling Ct.
Mentor, Ohio 44060

Re: 20-922; 16.7 Acres - Parma Park Boulevard

Project: The proposed project involves the future development of the site.

Location: The proposed project is located in the City of Parma, Cuyahoga County, Ohio.

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. These comments were generated by an inter-disciplinary review within the Department. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the National Environmental Policy Act, the Coastal Zone Management Act, Ohio Revised Code and other applicable laws and regulations. These comments are also based on ODNR's experience as the state natural resource management agency and do not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

Natural Heritage Database: The Natural Heritage Database has the following records at or within a one-mile radius of the project area:

Great Lakes Crayfish (*Orconectes propinquus*), State species of concern
Big Creek Reservation – Cleveland Metroparks

The review was performed on the project area you specified in your request as well as an additional one-mile radius. Records searched date from 1980. This information is provided to inform you of features present within your project area and vicinity.

Please note that Ohio has not been completely surveyed and we rely on receiving information from many sources. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area. Although all types of plant communities have been surveyed, we only maintain records on the highest quality areas.

Fish and Wildlife: The Division of Wildlife (DOW) has the following comments.

The DOW recommends that impacts to streams, wetlands and other water resources be avoided and minimized to the fullest extent possible, and that best management practices be utilized to minimize erosion and sedimentation.

2045 Morse Rd • Columbus, OH 43229 • ohiodnr.gov

The project is within the vicinity of records for the Indiana bat (*Myotis sodalis*), a state endangered and federally endangered species. Because presence of state endangered bat species has been established in the area, summer tree cutting is not recommended, and additional summer surveys would not constitute presence/absence in the area. However, limited summer tree cutting inside this buffer may be acceptable after further consultation with DOW (contact Sarah Stankavich, sarah.stankavich@dnr.state.oh.us).

In addition, the entire state of Ohio is within the range of the Indiana bat (*Myotis sodalis*), a state endangered and federally endangered species, the northern long-eared bat (*Myotis septentrionalis*), a state endangered and federally threatened species, the little brown bat (*Myotis lucifugus*), a state endangered species, and the tricolored bat (*Perimyotis subflavus*), a state endangered species. During the spring and summer (April 1 through September 30), these bat species predominately roost in trees behind loose, exfoliating bark, in crevices and cavities, or in the leaves. However, these species are also dependent on the forest structure surrounding roost trees. The DOW recommends tree cutting only occur from October 1 through March 31, conserving trees with loose, shaggy bark and/or crevices, holes, or cavities, as well as trees with DBH ≥ 20 if possible.

The DOW also recommends that a desktop habitat assessment, followed by a field assessment if needed, is conducted to determine if there are potential hibernaculum(a) present within the project area. Information about how to conduct habitat assessments can be found in the current USFWS "Range-wide Indiana Bat Survey Guidelines." If a habitat assessment finds that potential hibernacula are present within 0.25 miles of the project area, please send this information to Sarah Stankavich, sarah.stankavich@dnr.state.oh.us for project recommendations. If a potential or known hibernaculum is found, the DOW recommends a 0.25-mile tree cutting and subsurface disturbance buffer around the hibernaculum entrance, however, limited summer or winter tree cutting may be acceptable after consultation with DOW. If no tree cutting or subsurface impacts to a hibernaculum are proposed, this project is not likely to impact these species.

The project is within the range of the lake sturgeon (*Acipenser fulvescens*), a state endangered fish and a federal species of concern, the channel darter (*Percina copelandi*), a state threatened fish, and the bigmouth shiner (*Notropis dorsalis*), a state threatened fish. The DOW recommends no in-water work in perennial streams from April 15 through June 30 to reduce impacts to indigenous aquatic species and their habitat. If no in-water work is proposed in a perennial stream, this project is not likely to impact these or other aquatic species.

The project is within the range of the smooth greensnake (*Opheodrys vernalis*), a state endangered species. This species is primarily a prairie inhabitant, but also found in marshy meadows and roadside ditches. Due to the location, the type of habitat within the project area, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the spotted turtle (*Clemmys guttata*), a state threatened species. This species prefers fens, bogs and marshes, but also is known to inhabit wet prairies, meadows, pond edges, wet woods, and the shallow sluggish waters of small streams and ditches. Due to the location, the type of habitat within the project area, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the Blanding's turtle (*Emydoidea blandingii*), a state threatened species. This species inhabits marshes, ponds, lakes, streams, wet meadows, and swampy forests. Although essentially aquatic, the Blanding's turtle will travel over land as it moves from one wetland to the next. Due to the location, the type of habitat within the project area, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the American bittern (*Botaurus lentiginosus*), a state endangered bird. Nesting bitterns prefer large undisturbed wetlands that have scattered small pools amongst dense vegetation. They occasionally occupy bogs, large wet meadows, and dense shrubby swamps. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of May 1 to July 31. If this type of habitat will not be impacted, the project is not likely to impact this species.

The project is within the range of the black-crowned night-heron (*Nycticorax nycticorax*), a state-threatened bird. Night-herons are so named because they are nocturnal, conducting most of their foraging in the evening hours or at night, and roost in trees near wetlands and waterbodies during the day. Night herons are migratory and are typically found in Ohio from April 1 through December 1 but can be found in more urbanized areas with reliable food sources year-round. Black-crowned night-herons primarily forage in wetlands and other shallow aquatic habitats, and roost in trees nearby. These night-herons nest in small trees, saplings, shrubs, or sometimes on the ground, near bodies of water and wetlands. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of May 1 to July 31. If this type of habitat will not be impacted, this project is not likely to impact this species.

The project is within the range of the king rail (*Rallus elegans*), a state endangered bird. Nests for this species are deep bowls constructed out of grass and usually hidden very well in marsh vegetation. Due to the location, the habitat at the project site, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the least bittern (*Ixobrychus exilis*), a state threatened bird. This secretive marsh species prefers dense emergent wetlands with thick stands of cattails, sedges, sawgrass or other semiaquatic vegetation interspersed with woody vegetation and open water. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of May 1 to July 31. If this type of habitat will not be impacted, this project is not likely to impact this species.

The project is within the range of the sandhill crane (*Grus canadensis*), a state threatened species. Sandhill cranes are primarily a wetland-dependent species. On their wintering grounds, they will utilize agricultural fields; however, they roost in shallow, standing water or moist bottomlands. On breeding grounds they require a rather large tract of wet meadow, shallow marsh, or bog for nesting. If grassland, prairie, or wetland habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of April 1 to September 1. If this habitat will not be impacted, this project is not likely to have an impact on this species.

The project is within the range of the trumpeter swan (*Cygnus buccinator*), a state threatened bird. Trumpeter swans prefer large marshes and lakes ranging in size from 40 to 150 acres. They like shallow wetlands one to three feet deep with a diverse mix of plenty of emergent and submergent vegetation and open water. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of April 15 to June 15. If this habitat will not be impacted, this project is not likely to have an impact on this species.

The project is within the range of the upland sandpiper (*Bartramia longicauda*), a state endangered bird. Nesting upland sandpipers utilize dry grasslands including native grasslands, seeded grasslands, grazed and ungrazed pasture, hayfields, and grasslands established through the Conservation Reserve Program (CRP). Due to the location, the habitat at the project site, and the type of work proposed, this project is not likely to impact this species.

Due to the potential of impacts to federally listed species, as well as to state listed species, we recommend that this project be coordinated with the U.S. Fish & Wildlife Service.

Water Resources: The Division of Water Resources has the following comment.

The local floodplain administrator should be contacted concerning the possible need for any floodplain permits or approvals for this project. Your local floodplain administrator contact information can be found at the website below.

http://water.ohiodnr.gov/portals/soilwater/pdf/floodplain/Floodplain%20Manager%20Community%20Contact%20List_8_16.pdf

ODNR appreciates the opportunity to provide these comments. Please contact Sarah Tebbe, Environmental Specialist, at Sarah.Tebbe@dnr.state.oh.us if you have questions about these comments or need additional information.

Mike Pettegrew
Environmental Services Administrator (Acting)

Appendix D: GSA Letter



United States Department of the Interior

NATIONAL PARK SERVICE
Interior Region 1
North Atlantic-Appalachian
15 State Street
Boston, MA 02109



IN REPLY REFER TO:

March 2, 2021

Mr. John Kelly
Property Disposal Division
General Services Administration
10 Causeway Street
Boston, Massachusetts 02222

Reference: Change in Program of Utilization
Nathan Hale Park, Parma Heights, OH
GSA No. D-OH-550A

Dear Mr. Kelly:

Pursuant to 40 U.S.C. § 550e, we are writing to request the General Service Administration's concurrence, on a substantial change in the Program of Utilization for 7-9 acres of a 25-acre property which was formerly part of a Nike Missile Site (CL-59). In 1971, the National Park Service (NPS) conveyed the 25 acres to the City of Parma Heights, Ohio (City) currently known as Nathan Hale Park (NHP). The land was conveyed at 100% discount of the fair market value (no cost) solely for public parks and recreation in perpetuity under provisions of the NPS Federal Lands to Parks Program (FLPP) (40 USC 550 (b and e)

On May 1, 2019 FLPP staff were made aware that the City was planning to construct a stormwater detention basin on six to nine acres of NHP to reduce the flooding of homes in the area and provide storage for approximately 11 million gallons of stormwater to be released into the city's storm sewer system that would displace a baseball field and two of eight soccer fields. NPS FLPP staff have been working with the City over the past year to determine how the stormwater basin, with design changes and the addition of recreational facilities for the public, could potentially fulfill the FLPP requirements for recreational use on the property.

The City is seeking an Amendment to the Program of Utilization (POU) to allow for the stormwater basin to provide a water-featured park area in NHP with additional recreational facilities that could comply with FLPP restrictions agreed to when it was deeded to the City.

Other options for proceeding with the stormwater basin have been suggested to the City including a land exchange or purchasing the 6-9 acres with payment to the General Services Administration (GSA) to release the City from the deed restrictions but were declined due to fiscal restraints.

In late July, the City sent approximately 1600 pages of materials for FLPP staff to review. Since then, the City has fulfilled requests for environmental, wetlands and historic compliance. The City has had their plans reviewed and approved by both State and Federal agencies. The City has prepared several technical reports and completed socio-economic studies to support their proposal and has secured funding for the recreational improvements that will be part of construction. Finally, the City has also held public informational meetings and posted all information about the project on the City website fulfilling the NPS request by the NPS for public engagement.

Conditions have changed significantly since 1970 when the City submitted its Program of Utilization. In addition, the City's goals as stated in the original need statement were to (1) purchase property for "open space and recreational purposes" and, as noted in the Program of Utilization, to provide "facilities for persons of all ages". The city initially set out to solve the area's flooding problem, but, after listening to the feedback from neighborhood residents, it responded with an innovative solution that redesigned the facilities to be both an engineering answer to a public works problem and an attractive recreation feature that will increase the range of facilities at Nathan Hale Park.

Furthermore, providing a walking path, educational panels, a new picnic pavilion, gazebo, etc. to create a passive recreation amenity is consistent with the city's original goals. Based on the unanticipated changes in the population, changes in recreation programming needs and a growing awareness of the importance of well-designed open space, the construction of the proposed stormwater basin project at the expense of one baseball diamond and two soccer fields is a prudent investment in the city's future. The loss of the ball fields will not have a negative effect on the city's recreation facilities or recreation programs.

After reviewing all of the documentation and receiving information that has provided technical support for the proposal, the National Park Service proposes to amend and update the Program of Utilization to allow the City to incorporate these new recreational features into Nathan Hale Park because the changes in the Program of Utilization will be approved by the Service when consistent with the purposes for which the property was conveyed.

NPS is seeking GSA concurrence for these proposed changes in the Program of Utilization. The decision to approve the changes is based on current conditions and we are asking GSA's consideration of the new Program of Utilization if the property were currently being reviewed for discount conveyance. Due to the physical changes that will be made to the property, NPS needs to confirm that GSA does not have any concerns about the potential change in property value after these new facilities have been built.

I have enclosed a copy of the original POU and the proposed Amendment along with some supporting documentation for your review.

As always, we appreciate GSA's assistance with this matter and if you have any questions or would like to see more of the technical reports about the project please contact me at (617) 981-2154.

Sincerely,

/s/

Diane Keith
Program Manager, Northeast Region
Federal Lands to Parks Program

Enclosures:
Program of Utilization
Proposed Amendment to Program of Utilization
Plan Rendering
Proposed Changes to Nathan Hale Park

Pursuant to 40 U.S.C. § 550e the General Services Administration does not interpose an objection to the Amended Program of Utilization dated March 2021 for the Nathan Hale Park in Parma Heights, OH for a 16.71-acre portion of the 24.89-acre deed, recorded May 20, 1971, Book 12796, Page 699, Cuyahoga County Registry of Deeds encumbered by Federal Lands to Parks Program. The changes in the Program of Utilization will continue to provide an equal or greater fair market value and public recreational benefit with the equivalent terms, conditions, reservations, and restrictions as contained in the Quitclaim Deed referenced above.

DocuSigned by:

5AD990642DAB4F1...

Signature of Approving Official

Director Real Property Utilization & Disposal

Title

3/25/2021

Date

Appendix E: Ohio SHPO Letter



In reply, refer to
2020-CUY-48358

July 9, 2021

Diane Keith
Federal Lands to Parks
15 State St.
Boston, MA 02109
Diane_Keith@nps.gov

RE: Nathan Hale Park Stormwater Basin, City of Parma Heights, Cuyahoga County, Ohio

Dear Ms. Keith:

This is in response to the correspondence received July 7, 2021 regarding the proposed Nathan Hale Park Stormwater Basin, City of Parma Heights, Cuyahoga County, Ohio. We appreciate the opportunity to comment on this project. The comments of the Ohio State Historic Preservation Office (SHPO) are submitted in accordance with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C.306108 [36 CFR 800]).

The proposed undertaking involves the construction of an approximately 8-acre retention basin within the Nathan Hale Park in the City of Parma Heights. Our office has previously coordinated this undertaking with CT Consultants, Inc. and issued a coordination letter on June 5, 2020 to the consultant. It was determined the Nathan Hale Park did not meet the minimum criteria for inclusion in the National Register of Historic Place (NRHP).

Based on the information submitted, our office agrees the proposed project will have no effect on historic properties. No further coordination with this office is necessary, unless the project changes or unless new or additional historic properties are discovered during implementation of this project. In such a situation, this office should be contacted. Please be advised that this is a Section 106 decision. This review decision may not extend to other SHPO programs. If you have any questions, please contact me at (614) 298-2022, or by e-mail at khorrocks@ohiohistory.org. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Krista Horrocks".

Krista Horrocks, Project Reviews Manager
Resource Protection and Review

Appendix F: USFWS Section 7 Consultation Letter



UNITED STATES DEPARTMENT OF THE INTERIOR
U.S. Fish and Wildlife Service
Ecological Services Office
4625 Morse Road, Suite 104
Columbus, Ohio 43230
(614) 416-8993 / Fax (614) 416-8994



TAILS# 03E15000-2021-I-0214

Dear Ms. Keith,

The U.S. Fish and Wildlife Service (Service) has received your recent correspondence requesting information about the subject proposal. We offer the following comments and recommendations to assist you in minimizing and avoiding adverse effects to threatened and endangered species pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq), as amended (ESA).

The Service has reviewed your project description and concurs with your determination that the project, as proposed, is not likely to adversely affect the federally endangered Indiana bat (*Myotis sodalis*) or threatened northern long-eared bat (*Myotis septentrionalis*). This is based on the commitment to cut all trees ≥ 3 inches diameter at breast height only between October 1 and March 31 in order to avoid adverse effects to the Indiana bat and northern long-eared bat.

This concludes consultation on this action as required by section 7(a)(2) of the ESA. Should, during the term of this action, additional information on listed or proposed species or their critical habitat become available, or if new information reveals effects of the action that were not previously considered, consultation with the Service should be reinitiated to assess whether the determinations are still valid.

If you have questions, or if we can be of further assistance in this matter, please contact our office at (614) 416-8993 or ohio@fws.gov.

Sincerely,

Patrice M. Ashfield
Field Office Supervisor

cc: Nathan Reardon, ODNR-DOW
Kate Parsons, ODNR-DOW

ORDINANCE NO. 2023 - 38

**AN ORDINANCE AMENDING CHAPTER 1303 OF THE PARMA HEIGHTS
CODIFIED ORDINANCES TO PROVIDE FOR ADOPTION OF THE OHIO BUILDING
CODE, AS MAY BE AMENDED BY THE STATE OF OHIO FROM TIME TO TIME,
AND DECLARING AN EMERGENCY**

WHEREAS, the Director of Public Service and Chief Building Official recommend that Chapter 1303 of the City of Parma Heights Codified Ordinances be updated and amended, in part, to refer to, adopt, and incorporate the Ohio Building Code (OBC), as may be amended by the State of Ohio, Board of Building Standards, from time to time; and

WHEREAS, Ohio Revised Code Section 731.231 grants the City full authority to adopt, enforce, and incorporate by reference the Ohio Building Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga, and State of Ohio:

Section 1: That Chapter 1303 of the Codified Ordinances shall be amended and, as amended, shall henceforth read as shown by edits set forth in Exhibit "A", which is attached hereto and incorporated by reference.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meeting open to the public, in compliance with the law.

Section 3: This Council declares this Ordinance to be an emergency measure for the immediate preservation of the public health, peace, and safety of this Municipality, and for further reason that it is necessary to update building standards to code within the Municipality as soon as possible; wherefore, it shall be in full force and effect immediately after its passage by council and approval by the Mayor.

PASSED: _____
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL APPROVED

FILED WITH
THE MAYOR: _____
MAYOR MARIE GALLO

EXHIBIT A

CHAPTER 1303 **Ohio Basic Building Code**

- 1303.01 ~~1998 edition~~ Ohio Building Code adopted.
- 1303.02 ~~Purpose~~ Ohio Mechanical Code adopted.
- 1303.03 ~~Application~~ Ohio Plumbing Code adopted.
- 1303.04 Compliance; violations.
- 1303.05 ~~Change of use; maintenance.~~ (Repealed) (Reserved)
- 1303.06 ~~Enforcement.~~ (Reserved)
- 1303.07 File and distribution copies.
- 1303.08 Conflict of laws.
- 1303.09 Amendments.
- 1303.99 Penalty; equitable remedies.

CROSS REFERENCES

See section histories for similar State law

Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261

Power to enact further and additional regulations - see Ohio R.C. 3781.01

Enforcement - see Ohio R.C. 3781.03, 3781.031, 3781.10(E), 3781.102, 3781.19

Final jurisdiction - see Ohio R.C. 3781.04

Application - see Ohio R.C. 3781.06, 3781.061, 3781.10(A), 3781.11(A)

Dead bolt locks in apartment buildings - see Ohio R.C. 3781.103

Smoke detection system for apartments and condominiums - see Ohio R.C. 3781.104

Use of public buildings by handicapped persons - see Ohio R.C. 3781.111

Energy conservation - see Ohio R.C. 3781.181

Submission of plans - see Ohio R.C. 3791.04

Abandoned service stations - see Ohio R.C. 3791.11 et seq.

Safety standards for refuse containers - see Ohio R.C. 3791.21

Smoke detectors generally - see FIRE PREV. 1505.02 (BOCA F-510.0)

1303.01 1998 EDITION OHIO BUILDING CODE ADOPTED.

~~Pursuant to Ohio R.C. 731.231, the City adopts, enforces, and incorporates herein by reference, there is hereby adopted by and for the Municipality, the Ohio Basic Building Code (OBBC), being particularly the 1998 edition thereof, as adopted by the Ohio Board of Building Standards, as may be amended by said Board from time to time, pursuant to Revised Code 3781.10 and 4104.43, Department of Industrial Relations, and as published in Division 4101:1 2 of the Ohio Administrative Code (OAC). save and except such portions thereof as may be hereinafter amended or deleted.~~

1303.02 PURPOSE OHIO MECHANICAL CODE ADOPTED.

~~Pursuant to Ohio R.C. 731.231, the City adopts, enforces, and incorporates herein by reference, the Ohio Mechanical Code, as adopted by the Ohio Board of Building Standards, as may be amended by said Board from time to time, pursuant to Revised Code 3781.10, and as published in Division 4101:2 of the Ohio Administrative Code (OAC).~~

~~The purpose of the OBBC, as adopted in Section 1303.01, is to:~~

- ~~—(a) Provide uniform minimum standards and requirements for the erection, construction, repair, alteration and maintenance of buildings, including construction of industrialized units, such standards relating to the conservation of energy, safety and sanitation of buildings for their intended use and occupancy;~~
- ~~—(b) Formulate such standards and requirements, so far as is practical, in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability;~~
- ~~—(c) Permit, to the fullest extent feasible, the use of materials and technical methods, devices and improvements, including the use of industrialized units, which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction; and~~
- ~~—(d) Encourage, so far as may be practical, the standardization of construction practices, methods, equipment, material and techniques, including methods employed to produce industrialized units.~~

~~(OAC 4101:2-1-05)~~

1303.03 APPLICATION OHIO PLUMBING CODE ADOPTED.

~~Pursuant to Ohio R.C. 731.231, the City adopts, enforces, and incorporates herein by reference, the Ohio Plumbing Code, as adopted by the Ohio Board of Building Standards, as may be amended by said Board from time to time, pursuant to Revised~~

Code 3781.10, and as published in Division 4101:3 of the Ohio Administrative Code (OAC).

The OBBC applies to all buildings except as follows:

- ~~—(a) Single family, two family and three family dwelling houses which are not constructed of industrialized units, except for the energy conservation provisions required in “Chapter 13, Energy Conservation” of the OBBC (see Ohio R.C. 3781.06, 3781.181 and 3781.182);~~
- ~~—(b) Buildings owned by and used for a function of the United States government;~~
- ~~—(c) Existing buildings where their location, parts, equipment and other items do not constitute a serious hazard, unless otherwise regulated by the provisions of “Chapter 34, Existing Structures” of the OBBC;~~
- ~~—(d) Buildings constructed in accordance with plans which have been approved prior to the effective date of the OBBC;~~
- ~~—(e) Buildings or structures which are incident to the use for agricultural purposes of the land on which said buildings or structures are located, provided such buildings or structures are not used in the business of retail trade. For the purposes of this section, a building or structure is not considered used in the business of retail trade if fifty percent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller (see Ohio R.C. 3781.06 and 3781.061);~~
- ~~—(f) Agricultural labor camps as defined in Ohio R.C. 3733.41;~~
- ~~—(g) Single family, two family and three family detached dwelling houses for which applications have been submitted to the Ohio Director of Human Services pursuant to Ohio R.C. 5104.03 for the purposes of operating type A family day care homes as defined in Ohio R.C. 5104.01;~~
- ~~—(h) Buildings or structures which are designed, constructed and maintained in accordance with Federal standards and regulations and are used primarily for Federal and State military purposes where the U.S. Secretary of Defense, pursuant to 10 U.S.C. 2233(a)(1), (5) and (6) and 2237, has:
 - ~~—(1) Acquired, by purchase, lease or transfer, and constructs, expands, rehabilitates or corrects and equips, such buildings or structures as he or she determines to be necessary to carry out the purposes of Chapter 133 of the U.S.C.;~~
 - ~~—(2) Contributed to the State of Ohio such amounts for the acquisition, construction, expansion, rehabilitation and conversion by the State of Ohio of such additional buildings or structures as he or she determines to be required because of the failure of existing facilities to meet the purposes of Chapter 133 of the U.S.C.; or~~~~

~~—(3) Contributed to the State of Ohio such amounts for the construction, alteration or rehabilitation of arms storage rooms as he or she determines to be required to meet a change in U.S. Department of Defense standards relating to the safekeeping of arms.~~

~~(OAC 4101:2-1-09)~~

1303.04 COMPLIANCE; VIOLATIONS.

(a) No owner or any other person shall construct, erect, build or equip any building or structure to which the OBBC is applicable, or make any addition thereto or alteration thereof, except in the case of repairs or maintenance that does not affect the construction, sanitation, safety or any other vital feature of such building or structure, without complying with this chapter, Ohio R.C. Chapters 3781 and 3791 or the OBBC, or fail to comply with any lawful order issued pursuant thereto.

(ORC 3791.01, 3791.02)

(b) No architect, builder, engineer, plumber, carpenter, mason, contractor, subcontractor, foreman or employee shall violate or assist in violating any of the provisions of this chapter, Ohio R.C. Chapters 3781 and 3791 or the OBBC, or fail to comply with any lawful order issued pursuant thereto.

(ORC 3791.01, 3791.03)

(c) No owner or any other person shall proceed with the construction, erection, alteration or equipment of any building or structure to which the OBBC is applicable without complying with this chapter and the plan and specification submission and processing requirements of the Municipality and/or the OBBC and until plans or drawings, specifications and data have been approved or the industrialized unit has been inspected at the point of origin. (ORC 3791.04)

1303.05 RESERVED CHANGE OF USE; MAINTENANCE. (REPEALED)

~~—(EDITOR'S NOTE: Section 1303.05 was repealed as part of the 1995 updating and revision of these Codified Ordinances because substantially identical State law was repealed by the Ohio Board of Building Standards in the 1995 edition of the OBBC.)~~

1303.06 ENFORCEMENT. (RESERVED).

~~(a) When the Municipality finds that work or equipment is contrary to this chapter, approved plans therefore or the OBBC, notice in writing shall be sent to the owner of the building involved or his or her agent. The notice shall state where and in what respect the work or equipment does not conform to such lawful requirements and shall specify a reasonable period of time in which to conform. (OAC 4101:2-1-34)~~

~~—(b) Prior to enforcement of Ohio R.C. Chapters 3781 and 3791, or any rules adopted pursuant thereto, including the OBBC, as adopted in Section 1303.01, by any remedy, civil or criminal, the Municipality shall issue an adjudication order within the meaning of Ohio R.C. 119.06 to 119.13 or a stop work order as provided in Section 4101:2-1-36 of the OAC.~~

~~—(c) Every adjudication order shall cite the law or rules directly involved and shall specify what appliances, site preparations, additions or alterations to structures, plans, materials, assemblages or procedures are necessary for the same to comply with Ohio R.C. Chapters 3781 and 3791 and/or any rules adopted pursuant thereto, including the provisions of the OBBC adopted in Section 1303.01.~~

~~—(d) The order shall include notice to the party of the procedure for appeal and right to a hearing if requested within thirty days of the mailing of the notice. The notice shall also inform the party that at the hearing he or she may be represented by counsel, present his or her arguments or contentions orally or in writing, and present evidence and examine witnesses appearing for or against him or her.~~

~~—(e) Upon the issuance of any order provided for herein or in Section 4101:2-1-36 of the OAC, the person receiving such order shall cease work upon the site preparations or structure to be constructed, or, in the case of an industrialized unit, the installation of the unit, or shall cease using the appliance, materials, assemblages or manufactured product identified in the order until such time as the appeal provided for in accordance with the provisions of Ohio R.C. 3781.19, and all appeals from such hearing, have been completed, or the order herein has been released. (OAC 4101:2-1-35)~~

~~—(f) Failure to cease work after receipt of a stop work order as provided in Section 4101:2-1-36 of the OAC is hereby declared to be a public nuisance.~~

~~(OAC 4101:2-1-36)~~

1303.07 FILE AND DISTRIBUTION COPIES.

At least one copy of the OBBC, as adopted in Section 1303.01, is on file with Clerk of Council for inspection by the public. At least one copy of such Code is also on file in the Cuyahoga County Law Library. In addition, the Clerk of Council shall keep copies of such Code available for distribution to the public at cost.

1303.08 CONFLICT OF LAWS.

(a) Whenever a provision of the OBBC, as adopted in Section 1303.01, conflicts with a provision of the Ohio Fire Code or any other order, standard or rule of the Ohio Department of Commerce, Division of State Fire Marshal, the provision of the OBBC shall control, except that rules adopted and orders issued by the Fire Marshal pursuant to Ohio R.C. Chapter 3743 prevail in the event of a conflict.

(OAC 4101:2-1-04(B); ORC 3781.11(B))

(b) Whenever a provision of the OBBC, as adopted in Section 1303.01, conflicts with a provision of any other standard technical code adopted by the Municipality, other than as provided in subsection (a) hereof, or any ordinance, resolution, rule or regulation of Council, the stricter standard shall prevail.

(c) When a special provision is made in a use group classification of the OBBC and is inconsistent with a general provision of the OBBC relating to buildings generally, the special provision governs, unless it appears that the provisions are cumulative.

(OAC 4101:2-1-07)

1303.09 AMENDMENTS.

The Ohio Basic Building Code adopted in Section 1303.01 is hereby amended as follows:

OBC SECTION 109.3 PROSECUTION AND PENALTIES. (Amended)

When an owner fails to comply with Section 109.2, the owner may be prosecuted and is subject to a fine of not more than five hundred dollars as provided for in Section 3791.04 of the Revised Code criminal penalties shall be imposed pursuant to Section 1303.99 herein.

OBC SECTION 110.1 HEARING AND RIGHT OF APPEAL, PARMA HEIGHTS LOCAL BOARD OF ZONING BUILDING APPEALS. (Amended)

In order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be a local appeals process established within the certified jurisdiction. Adjudication hearings shall be in accordance with sections 119.09 to 119.13 of the Revised Code, as required by section 3781.031 of the Revised Code.

~~Adjudication hearings shall be in accordance with sections 119.09 to 119.13 of the Revised Code, as required by section 3781.031 of the Revised Code, and the following:~~

~~1. Requests for hearing shall be within thirty days of the mailing date of an adjudication order. The local board shall schedule a hearing and notify the party. If the hearing concerns section 3781.111 of the Revised Code or rules adopted thereunder, reasonable notice of time, date, place, and subject of the hearing shall be given to any local organization composed of or representing persons with disabilities, as defined in section 3781.111 of the Revised Code, or if there is no local organization, then to any statewide organization composed of or representing persons with disabilities.~~

~~1.1 For purposes of conducting adjudication hearings, the local board may require attendance of witnesses, production of records and papers, and may take depositions of witnesses in accordance with section 119.09 of the Revised Code.~~

~~1.2 Testimony shall be under oath and, as outlined in section 109.1, a stenographic or mechanical record of testimony and other evidence submitted shall be taken at the expense of the local board of building appeals.~~

~~1.3 The local board may postpone or continue any adjudication hearing on its own motion or upon the application of any party.~~

~~1.4 The board shall keep a full and complete record of all proceedings which shall be open to public inspection.~~

~~2. The Board shall render its decision within thirty days after the hearing.~~

~~3. Following the hearing, an order shall be entered on its journal, and the local board shall serve by certified mail, return receipt requested, upon the party affected thereby, a certified copy of the order and a statement of the time and method by which an appeal may be perfected. A copy of the order shall be mailed to the attorney or other representatives of record representing the party.~~

~~4. Any municipal or county officer, official municipal or county board, or person who was a party to the hearing before the municipal or county board of building appeals, may apply to the state board of building appeals for a de novo hearing, or may appeal to the court of common pleas of the county in which he is a resident or in which the premises affected by such order is located.~~

~~5. In addition, when the adjudication hearing concerns section 3781.111 of the Revised Code, or any rule made thereunder, any local organization composed of or representing persons with disabilities, or if no local organization exists, then any statewide organization representing persons with disabilities may file appeals as indicated in paragraph 4 of this section.~~

~~6. Application for a de novo hearing before the state board shall be made no later than thirty days after the municipal or county board renders its decision.~~

~~—OBBC SECTION 508.0 UNDERGROUND UTILITY FIXTURES (Added)~~

~~—508.1 Required: No commercial building, multiple-family dwelling, apartment house or sign pole shall be constructed hereafter unless all the wires, cables, conduits, pipes or other means of supplying a public utility, or any other service that is continuously required by such premises, are placed underground in accordance with other provisions of the ordinances of the City relating to depth, insulation and other requirements for the safety of the inhabitants of the City.~~

~~(Ord. 1987-44. Passed 10-13-87.)~~

~~—OBBC SECTION 509.0 STRUCTURES ON FLAT ROOFS (Added)~~

~~—509.1 Limitations: No commercial building, multiple-family dwelling or apartment house shall be constructed hereafter with a flat roof unless the walls of such building extend at least twelve inches above the top of any mechanical equipment or other structures placed upon the roof of such building or unless there is constructed completely around any mechanical equipment or structures placed upon the roof a screening that is suitable in design and construction to the building itself.~~

~~(Ord. 1966-41. Passed 4-25-66.)~~

~~—OBBC SECTION 510.0 SPECIFICATIONS FOR CERTAIN DOORS (Added)~~

~~—510.1 Doors for commercial buildings. All doors in commercial buildings enclosing areas or rooms used for storage purposes, garage purposes or mechanical equipment shall be B-label doors and all hardware used thereon shall be B-rated hardware.~~

~~(Ord. 1966-51. Passed 5-23-66.)~~

1303.99 PENALTY; EQUITABLE REMEDIES.

(a) Whoever violates or fails to comply with any of the provisions of this chapter, including any provision of the OBBC adopted in Section 1303.01, is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. Unless otherwise provided, a separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The application of the penalty provided in subsection (a) hereof shall not be deemed to prevent the enforced removal of prohibited conditions, or the application of any other equitable remedy, including nuisance abatement. ~~of the nuisance referred to in Section 1303.06(f).~~

RESOLUTION NO. 2023 - 39

A RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF PARMA HEIGHTS FOR THE FISCAL YEAR OF 2024, DIRECTING THAT THE SAME BE SUBMITTED TO THE FISCAL OFFICE OF CUYAHOGA COUNTY, AND DECLARING AN EMERGENCY

WHEREAS, the expenditure of money is necessary to secure needed City services and adoption of a tax budget is immediately required to provide funds necessary for such expenditures, and to comply with the statutory requirements for the filing thereof; and

WHEREAS, the Director of Finance prepared a tax budget for the City for the fiscal year beginning January 1, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Parma Heights, County of Cuyahoga and State of Ohio:

Section 1: The tax budget of the City of Parma Heights for the fiscal year beginning January 1, 2024 prepared by the Director of Finance and submitted to this Council, attached as Exhibit "A", is adopted as the tax budget of the City of Parma Heights, Ohio for the fiscal year beginning January 1, 2024.

Section 2: The Director of Finance is authorized and directed to certify a copy of said tax budget and a copy of this Resolution, and to transmit the same to the Fiscal Office of Cuyahoga County, Ohio.

Section 3: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meeting open to the public, in compliance with the law.

Section 4: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of said City and for the further reason that the expenditure of money is necessary to secure needed city services, and adoption of a tax budget is immediately required to provide funds necessary for such expenditures; wherefore, it shall be in full force and effect from and immediately after its passage by Council and approval by the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED

FILED WITH
THE MAYOR: _____

MAYOR MARIE GALLO

EXHIBIT A

ALTERNATIVE TAX BUDGET INFORMATION

Political Subdivision/Taxing Unit: CITY OF PARMA HEIGHTS

For the Fiscal Year Commencing: JANUARY 1, 2024

Fiscal Officer Signature _____ Date _____

COUNTY OF CUYAHOGA

Background

Substitute House Bill No. 129 (HB129) effective June 3, 2002, was enacted by the 124th General Assembly in part to allow a county budget commission to waive the requirement that a taxing authority adopt a tax budget for a political subdivision or other taxing unit, pursuant to Ohio Revised Code (ORC) Section 5705.281.

Ohio Revised Code Section 5705.281

Under the amended version of this section pursuant to HB 129, a county budget commission, by an affirmative vote of a majority of the commission, including an affirmative vote by the county auditor, may waive the tax budget for any subdivision or other taxing unit. However, the commission may require the taxing authority to provide any information needed by the commission to perform its duties, including the division of the tax rates as provided under ORC Section 5705.04.

County Budget Commission Duties

The county budget commission must still certify tax rates to each subdivision or other taxing unit, by March 1 for school districts and by September 1 for all other taxing authorities under ORC Section 5705.35, even when a tax budget is waived. Also, the commission is still required to issue an official certificate of estimated resources under ORC Section 5705.35 and amended official certificates of estimated resources under ORC Section 5705.36.

Therefore, when a budget commission is setting tax rates based on a taxing unit's need, for purposes of ORC Sections 5705.32, 5705.34, and 5705.341, its determination must be based on that other information the commission asked the taxing authority to provide under ORC Section 5705.281, when the tax budget was waived. Also, an official certificate must be based on that other information the commission asked the taxing authority to provide.

County Budget Commission Action

On October 11, 2002, during the Cuyahoga County Budget Commission meeting, the commission with an affirmative vote of all members waived the requirement for taxing authorities of subdivisions or other taxing units (Including Schools) to adopt a tax budget as provided under ORC Section 5705.281, but shall require the filing of this Alternative Tax Budget Information document on an annual basis.

Alternative Tax Budget Information Filing Deadline

For all political subdivisions excluding school districts, the fiscal officer must file one copy of this document with the County Fiscal Officer on or before July 20th. For school districts the fiscal officer must file one copy of this document with the County Fiscal Officer on or before January 20th.

GUIDELINES FOR COMPLETING THE ALTERNATIVE TAX BUDGET INFORMATION

SCHEDULE 1

The general purpose of schedule 1 is to meet the requirement of Ohio Revised Code (ORC) Section 5705.04 which requires the taxing authority of each subdivision to divide the taxes levied into separate levies. For help use the schedule B issued by the budget commission for the current year and add any new levies. This will help to ensure that no levies are missed.

In column 1 list only those individual funds which are requesting general property tax revenue. In column 2 purpose refers to the following terms, inside, current expenses, and special levy for example. In column 4 levy type refers to renewal, additional, and replacement for example. In column 9 identify the amount of general property tax you wish to request.

NOTE:

The general purpose of column 9 is to demonstrate the need to produce property tax revenues to cover the estimated expenditures for the budget year. ORC Section 5705.341 states in part;

"Nothing in this section or any section of the ORC shall permit or require the levying of any rate of taxation, whether within the 10 mill limitation or whether the levy has been approved by the electors, the political subdivision or the charter of a municipal corporation in excess of such 10 mill limitation, unless such rate of taxation for the ensuing fiscal year is clearly required by a budget properly and lawfully, adopted under this chapter or by other information required per ORC 5705.281."

Property tax revenue includes real estate taxes, personal property taxes, homestead and rollback, and the personal property 10,000 exempt monies.

SCHEDULE 2

The general purpose of schedule 2 is to produce an Official Certificate of Estimated Resources for all funds.

In column 3, total estimated receipts should include all revenues plus transfers in excluding property taxes and local government revenue. All taxing authority must submit a list of all tax transfers.

SCHEDULE 3

The general purpose of schedule 3 is to provide inside/charter millage for debt service. The basic security for payment of general obligation debt is the requirement of the levy of ad valorem property taxes within the 10 mill limitation imposed by Ohio law. Ohio law requires a levy and collection of ad valorem property tax to pay debt service on general obligation debt as it becomes due, unless that debt service is paid from other sources.

SCHEDULE 4

The general purpose of schedule 4 is to provide for the proper amount of millage to cover debt service requirements on voted bond issues. Major capital improvement projects are sometimes financed through the use of voted bonds. The taxing authority seeks voter approval of general obligation bonds and of the levy of property taxes outside the indirect debt limitation in whatever amount is necessary to pay debt service on those bonds.

SCHEDULE 5

The general purpose of schedule 5 is to properly account for tax anticipation notes. See schedule 5 for more details.

DIVISION OF TAXES LEVIED

(Levies Inside & Outside 10 Mill Limitation, Inclusive Of Debt Levies)
 (List All Levies Of The Taxing Authority)
 2023 TAX BUDGET

SCHEDULE 1

I	II	III	IV	V	VI	VII	VIII	IX
Fund	Purpose	Authorized By Voters On MM/DD/YY	Levy Type	Number Of Years Levy To Run	Tax Year Begins/ Ends	Collection Year Begins/ Ends	Maximum Rate Authorized	\$ AMOUNT Requested Of Budget Commission
GENERAL FUND	Current Op	Charter Mill			1/1/2023	1/1/2024	6.9	\$2,800,000.00
BOND RETIREMENT	Debt Service	Charter Mill			1/1/2023	1/1/2024	1.5	\$600,000.00
CAPITAL IMPVT	Current Op	Charter Mill			1/1/2023	1/1/2024	0.5	\$200,000.00
RECREATION	Current Op	Charter Mill			1/1/2023	1/1/2024	0.5	\$200,000.00
POLICE PENSION	Current Op	Charter Mill			1/1/2023	1/1/2024	0.3	\$120,000.00
FIRE PENSION	Current Op	Charter Mill			1/1/2023	1/1/2024	0.3	\$120,000.00
Totals							10.00	\$4,040,000.00

STATEMENT OF FUND ACTIVITY

SCHEDULE 2

I Fund BY Type	II Beginning Estimated Unencumbered Fund Balance	III Property Taxes and Local Government Revenue	IV Other Sources Receipts	V Total Resources Available for Expenditures	VI Total Estimated Expenditures & Encumbrances	VII Ending Estimated Unencumbered Balance
GENERAL FUND	\$119,940.00	\$3,382,000.00	\$14,934,412.00	\$18,436,352.00	\$16,567,649.00	\$1,868,703.00
STREET MAINTENANCE FUND	\$101,050.00		\$2,171,400.00	\$2,272,450.00	\$2,135,408.00	\$137,042.00
STATE HIGHWAY MAINTENANCE FUND	\$1,390.00		\$85,000.00	\$86,390.00	\$80,000.00	\$6,390.00
CEMETERY FUND	\$413.71		\$0.00	\$413.71	\$200.00	\$213.71
RECREATION FUND	\$27,033.38	\$200,000.00	\$288,700.00	\$515,733.38	\$489,402.00	\$26,331.38
SENIOR CENTER FUND	\$28,156.00		\$332,000.00	\$360,156.00	\$341,250.00	\$18,906.00
COMMUNITY DEVLPT BLOCK GRANT FUND	\$253,054.00		\$50,000.00	\$303,054.00	\$50,000.00	\$253,054.00
F.E.M.A. GRANT FUND	\$218,353.00		\$218,250.00	\$436,603.00	\$0.00	\$436,603.00
DRUG LAW ENFORCE. TRUST FUND	\$227.00		\$0.00	\$227.00	\$0.00	\$227.00
LAW ENFORCEMENT TRUST FUND	\$29,789.00		\$5,000.00	\$34,789.00	\$0.00	\$34,789.00
D.A.R.E. FUND	\$6.00		\$0.00	\$6.00	\$0.00	\$6.00
LAW ENFORCEMENT TRAINING FUND	\$421.00		\$0.00	\$421.00	\$0.00	\$421.00
POLICE DONATIONS (PACT)	\$2,914.00		\$0.00	\$2,914.00	\$0.00	\$2,914.00
MUNICIPAL PERMISSIVE LEVY FUND	\$2,088.00		\$125,000.00	\$127,088.00	\$120,000.00	\$7,088.00
POLICE PENSION FUND	\$1,299.00	\$120,000.00	\$575,000.00	\$696,299.00	\$695,915.00	\$384.00
FIRE PENSION FUND	\$45,596.00	\$120,000.00	\$575,000.00	\$740,596.00	\$600,000.00	\$140,596.00
CORONAVIRUS RELIEF FUND	\$182,690.00		\$0.00	\$182,690.00	\$0.00	\$182,690.00
MAYOR'S COURT COMPUTER FUND	\$5,870.00		\$4,000.00	\$9,870.00	\$3,500.00	\$6,370.00
INDIGENT DRIVER FUND	\$8,312.00		\$0.00	\$8,312.00	\$0.00	\$8,312.00
AMBULANCE BILLING	\$19,700.00		\$660,000.00	\$679,700.00	\$670,000.00	\$9,700.00
BOND RETIREMENT FUND	\$794,813.00	\$600,000.00	\$1,500,000.00	\$2,894,813.00	\$318,327.00	\$2,576,486.00
CAPITAL IMPROVEMENT FUND	\$943,774.61	\$321,000.00	\$0.00	\$1,264,774.61	\$1,250,000.00	\$14,774.61
CAPITAL PROJECTS FUND	\$899,529.55		\$600,000.00	\$1,499,529.55	\$1,100,000.00	\$399,529.55
MED SELF INSURANCE FUND	\$25,795.00		\$2,655,000.00	\$2,680,795.00	\$2,640,000.00	\$40,795.00
FLEET MAINT SERVICE FUND	\$167,609.00		\$876,000.00	\$1,043,609.00	\$755,990.00	\$287,619.00
WORKERS COMP SELF INSURANCE	\$862,170.00		\$40,000.00	\$902,170.00	\$150,000.00	\$752,170.00
DEPOSIT TRUST	\$594,460.00		\$3,500.00	\$597,960.00	\$0.00	\$597,960.00
MISCELLANEOUS TRUST FUND	\$22,052.00		\$0.00	\$22,052.00	\$0.00	\$22,052.00
DEFERRED COMPENSATION	\$169.00		\$0.00	\$169.00	\$0.00	\$169.00
HELP PROGRAM	\$0.00		\$0.00	\$0.00		\$0.00
OFFSET	\$7,190.00		\$0.00	\$7,190.00	\$0.00	\$7,190.00
						\$0.00

UNVOTED GENERAL OBLIGATION DEBT

(Include General Obligation Debt To Be Paid From Inside/Charter Millage Only)
 (Do Not Include General Obligation Debt Being Paid By Other Sources)
 (Do Not Include Special Obligation Bonds & Revenue Bonds)

SCHEDULE 3

I Purpose Of Bonds Or Notes	II Date Of Issue	III Final Maturity Date	IV Principal Amount Outstanding At The Beginning Of The Calendar Year	V Amount Required To Meet Calendar Year Principal & Interest Payments	VI Amount Receivable From Other Sources To Meet Debt Payments
Various Purpose Notes	2019	2036	\$2,805,000.00	\$268,673.50	\$0.00
Totals			\$2,805,000.00	\$268,673.50	\$0.00

VOTED DEBT OUTSIDE 10 MILL LIMIT

(Bonds Or Notes Must Actually Be Issued In Order To Commence Collection Of Property Taxes For Debt Service)

ISSUE 2 CONSTRUCTION LOANS - DEBT SERVICED THROUGH BOND RETIREM

SCHEDULE 4

I Purpose Of Notes Or Bonds	II Authorized By Voters On MM/DD/YY	III Date Of Issue	IV Final Maturity Date	V Principal Amount Outstanding At The Beginning Of The Calendar Year	VI Amount Required To Meet Calendar Year Principal & Interest Payments	VII Amount Receivable From Other Sources To Meet Debt Payments
TOTAL				\$0.00	\$0.00	\$0.00

TAX ANTICIPATION NOTES

(Schools Only)

NOT APPLICABLE

SCHEDULE 5

Tax anticipation notes are issued in anticipation of the collection of the proceeds of a property tax levy. The amount of money required to cover debt service must be deposited into a bond retirement fund, from collections and distribution of the tax levy, in the amounts and at the times required to pay those debt charges as provided in the legislation authorizing the tax anticipation notes. (ORC Section 133.24)

The appropriation to the fund which normally receives the tax levy proceeds is limited to the balance available after deducting the amounts to be applied to debt service.

After the issuance of general obligation securities or of securities to which section 133.24 of the ORC applies, the taxing authority of the subdivision shall include in its annual tax budget, and levy a property tax in a sufficient amount, with any other monies available for the purpose, to pay the debt charges on the securities payable from property tax. (ORC Section 133.25)

	Name Of Tax Anticipation Note Issue	Name Of Tax Anticipation Note Issue
Amount Required To Meet Budget Year Principal & Interest Payments:		
Principal Due		
Principal Due Date		
Interest Due		
Interest Due Date		
Interest Due		
Interest Due Date		
Total		
Name Of The Special Debt Service Fund		

Amount Of Debt Service To Be Apportioned To The Following Settlements:		
February Real		
August Real		
June Tangible		
October Tangible		
Total		
Name Of Fund To Be Charged		

ORDINANCE NO. 2023 – 40

AN ORDINANCE AUTHORIZING THE ADMINISTRATION TO SUBMIT A GRANT APPLICATION AND, IF AWARDED, TO ENTER INTO A CONTRACT FOR FUNDING OF COMMUNITY SOCIAL SERVICES FOR SENIORS SIXTY (60) YEARS AND OLDER FROM THE CUYAHOGA COUNTY DEPARTMENT OF SENIOR AND ADULT SERVICES (DSAS), AND DECLARING AN EMERGENCY

WHEREAS, the Cuyahoga County Department of Senior and Adult Services (“DSAS”) is soliciting proposals from municipalities that provide Social Service Programs for seniors and “at risk” adults; and

WHEREAS, the funding of these programs will fill a gap in senior services by assisting older citizens in their efforts to live and function independently; and

WHEREAS, “DSAS” is in need of providers of Community Social Services Programs and will provide reimbursable funding for such services for a twenty-four-month period commencing on January 1, 2024, to December 31, 2025, with a possible extension for up to one year (January 1, 2026 – December 31, 2026).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga and State of Ohio:

Section 1: The Administration is hereby authorized and directed to submit a grant application and, if awarded, to enter into a contract and any subsequent amendments thereto, for funding of Community Social Services for seniors sixty (60) years and older from the Cuyahoga County Department of Senior and Adult Services (DSAS), for a twenty-four-month period commencing on January 1, 2024, to December 31, 2025, with a possible extension for up to one year.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 3: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the Municipality, and for the further reason that it is necessary to file the Community Social Services Program proposal by July 17, 2023; wherefore, this Ordinance shall go into effect immediately upon its passage by Council and approval by the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED

FILED WITH
THE MAYOR: _____

MAYOR MARIE GALLO